

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 1

IN THE UNITED STATES DISTRICT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

PHILLIP WAYNE KOGER,

PLAINTIFF

VS

GREGGORY CARSON, INDIVIDUALLY;  
STEPHEN BAGLEY, INDIVIDUALLY;  
TODD COOK, INDIVIDUALLY; JAMES  
DAVIS, INDIVIDUALLY; DYLAN FLOYD,  
INDIVIDUALLY; AND ANTHONY  
LAWSON, INDIVIDUALLY,

DEFENDANTS

CIVIL ACTION FILE  
4:18-CV-00053-HLM

Certified Original

DEPOSITION OF PHILLIP KOGER  
TAKEN ON BEHALF OF THE DEFENDANTS  
IN FORREST CITY, ARKANSAS  
ON MAY 21, 2019

REPORTED BY: Karisa J. Aebi, CCR RPR, LS NO. 802

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EXHIBIT

C

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Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 4

1	T A B L E O F C O N T E N T S		
			PAGE
2	EXHIBITS.....		3
	STIPULATIONS.....		5
3			
	DIRECT EXAMINATION BY MR. HOSS.....		6
4	CROSS-EXAMINATION BY MS. MAINE.....		184
	CROSS-EXAMINATION BY MR. EXUM.....		189
5	CROSS-EXAMINATION BY MS. HAVLIK.....		192
	RECROSS EXAMINATION BY MS. MAINE.....		196
6	RECROSS EXAMINATION BY MR. EXUM.....		197
7	REPORTER'S CERTIFICATE.....		200
8	EXHIBITS		
	NUMBER DESCRIPTION		PAGE
9	EXHIBIT 1 PLAINTIFF PHILLIP WAYNE KOGER'S		8
	OBJECTIONS AND RESPONSES TO		
10	DEFENDANT OFFICER CARSON'S FIRST SET		
	OF INTERROGATORIES AND REQUEST FOR		
11	PRODUCTION PROPOUNDED TO PLAINTIFF.....		
	EXHIBIT 2 PLAINTIFF PHILLIP WAYNE KOGER'S		66
12	OBJECTIONS AND RESPONSES TO		
	DEFENDANT CARSON'S REQUESTS FOR		
13	ADMISSIONS TO PLAINTIFF.....		
	EXHIBIT 3 PLAINTIFF PHILLIP WAYNE KOGER'S		66
14	OBJECTIONS AND RESPONSES TO		
	DEFENDANT ANTHONY LAWSON'S FIRST		
15	INTERROGATORIES TO PLAINTIFF.....		
	EXHIBIT 4 PLAINTIFF PHILLIP WAYNE KOGER'S		66
16	OBJECTIONS AND RESPONSES TO		
	DEFENDANTS DYLAN FLOYD, JAMES DAVIS		
17	AND STEPHEN BAGLEY'S FIRST		
	INTERROGATORIES TO PLAINTIFF.....		
18	EXHIBIT 5 INDICTMENT.....		49
	EXHIBIT 6 INTERVIEW WITH PHILLIP KOGER GAVE BY		148
19	GBI S/A ADAM JONES.....		
	EXHIBIT 7 MUGSHOT TAKEN MARCH 9TH, 2017.....		153
20	EXHIBIT 8 MEDICAL RECORDS.....		155
	EXHIBIT 9 CATOOSA COUNTY SHERIFF'S DEPARTMENT		151
21	GANG VALIDATION FORM.....		
	EXHIBIT 10 PHILLIP KOGER FACEBOOK PRINTOUT.....		172
22	EXHIBIT 11 PLAINTIFF PHILLIP WAYNE KOGER'S		199
	OBJECTIONS AND RESPONSES TO		
23	DEFENDANT TODD COOK'S FIRST SET OF		
	INTERROGATORIES.....		
24			
25			



## 1 STIPULATIONS

2  
3 Produced, sworn, and examined, pursuant to  
4 notice, at FCI Forrest City Low, 1400 Dale Bumpers  
5 Road, Forrest City, Arkansas, commencing at 11:21  
6 a.m. on May 21, 2019, in the above-entitled cause now  
7 pending in the United States District Court for the  
8 Northern District of Georgia Rome Division; said  
9 deposition being taken for all purposes, pursuant to  
10 the Federal Rules of Civil Procedure.  
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12

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Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 6

1 PHILLIP KOGER

2 of lawful age, being first duly sworn, deposes and  
3 says in reply to the questions propounded as follows:

4 \* \* \* \* \*

5 DIRECT EXAMINATION

6 BY MR. HOSS:

7 Q. Mr. Koger, please state your full name.

8 A. Phillip Wayne Koger, Junior.

9 Q. Mr. Koger, what is your date of birth?

10 A. 11-13-1984.

11 Q. How old are you currently?

12 A. 34 years old.

13 Q. And you're currently living at, and are an  
14 inmate -- or tell us where.

15 A. Federal Correctional Complex, Forrest City,  
16 Low.

17 Q. That's here in Arkansas; is that correct?

18 A. Yes, sir.

19 Q. I introduced myself earlier. My name is  
20 Bryan Hoss. I represent Sergeant Greg Carson who is  
21 one of the individual officers named in this lawsuit.  
22 Sorry, there's a fly.

23 A. That's all right.

24 Q. So and then, there are other defense  
25 attorneys. I think we're waiting on two to show up

1 who got their flight delayed. But today is our day  
2 to ask you some questions in your civil deposition in  
3 the lawsuit that you filed against these officers.

4 Okay?

5 A. Yes, sir.

6 Q. Have you ever given a deposition before?

7 A. No, sir.

8 Q. If I ask you a question that you don't  
9 understand or you want me to rephrase something,  
10 please let me know. I'm happy to do it. Okay?

11 A. Uh-huh.

12 Q. Okay. And then second, what you just did  
13 when you say huh-uh --

14 A. Yes, sir.

15 Q. -- she has to type out responses and say  
16 yes -- yes or no --

17 A. I'm sorry.

18 Q. -- to those answers. It's okay. And so,  
19 if you -- if you do that and say uh-huh or huh-uh,  
20 then I may ask you say your answer out loud or  
21 verbally so we can report it for this record. Okay?

22 A. Yes, sir.

23 Q. The -- you were given some interrogatories  
24 in this case; is that correct?

25 A. I'm not sure what an interrogatory is, sir.

1 Q. An interrogatory is just a question that a  
2 bunch of lawyers from these officers asked of you.

3 A. Oh, Yeah. The stuff Chris --

4 Q. That's correct.

5 A. Yeah.

6 Q. Did your attorney show you those questions?

7 MR. STANFORD: I have to interject here. I  
8 just asked him about that in the room. The mail did  
9 not come to him apparently, so he has not seen any of  
10 the responses.

11 BY MR. HOSS:

12 Q. Okay. Let me -- let me do this. I'm --  
13 I'm going to show you some exhibits because we served  
14 some interrogatories on your lawyer several months  
15 ago. And so, part of an interrogatory is we're  
16 asking you to swear to the truthfulness of an answer  
17 to a question that we asked. Okay?

18 A. Okay.

19 (Exhibit 1 Number marked for identification.)

20 BY MR. HOSS:

21 Q. I'm going to show you what's been  
22 previously marked as Exhibit 1. These are your  
23 answers to interrogatories submitted by Defendant  
24 Greg Carson. Take a look at that document.

25 Mr. Koger, have you had a chance to read

1 your responses to Officer's Carson's first set of  
2 interrogatories?

3 A. Yes, sir.

4 Q. Those have been marked as Exhibit 1. Are  
5 those your answers?

6 A. Yes, sir.

7 Q. And under oath, are those true?

8 A. Yes, sir.

9 Q. Have you reviewed those before today?

10 A. No, sir.

11 Q. Can you read and write, sir?

12 A. Yes, sir.

13 Q. Okay. You met with your lawyer and he  
14 certainly read to you the questions and you guys  
15 discussed potential answers to those questions; is  
16 that accurate?

17 A. Yes, sir.

18 Q. All right. And then he went back to his  
19 office, typed up your responses, and you just didn't  
20 see the final product?

21 A. Yes, sir.

22 Q. Okay. But every answer that's on  
23 Exhibit 1, that's true and accurate to the best of  
24 your knowledge?

25 A. Yes, sir.

1 MR. HOSS: Let's mark -- admit Plaintiff's  
2 Exhibit 1 into the deposition, please.

3 BY MR. HOSS:

4 Q. Let me -- besides Mr. Stanford, did anybody  
5 else help you answer these interrogatories, sir?

6 A. No, sir.

7 Q. You listed your full name and you listed  
8 one of your nickname that you had. Tell us what your  
9 nickname is.

10 A. Guapo.

11 Q. What does that mean?

12 A. Spanish for handsome.

13 Q. When -- did you did you get that nickname?

14 A. As an MMA fighter.

15 Q. As an MMA fighter? We'll get into MMA  
16 stuff. When did you get that nickname?

17 A. I was probably 18 years old.

18 Q. That's -- is that when you started fighting  
19 MMA?

20 A. No, sir. I started fighting MMA around  
21 2007, but I began training in about 1998.

22 Q. Okay. So when you were 18, what year would  
23 that have been?

24 A. 2003.

25 Q. Okay. So around 2003 is when you got this

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 11

1      nickname?

2            A.      Yes, sir.

3            Q.      Who gave you the nickname?

4            A.      Some Spanish friends that I had that I  
5      worked with, they -- they came to a fight and watched  
6      me and it was an amateur fight and I didn't get beat  
7      up and he said, oh, you're still mui guapo, you still  
8      handsome. Okay.

9            Q.      And it stuck?

10          A.      Yes. That's been there ever since.

11          Q.      Okay. We asked in the interrogatories  
12      about where all you've lived. Since this incident on  
13      March 9th, 2017, you've been in custody?

14          A.      Yes.

15          Q.      I think you give us some dates in your  
16      interrogatories, and I don't want to revisit those  
17      dates exactly. But essentially, you spent the first  
18      several months at Hamilton County jail?

19          A.      Yes, sir.

20          Q.      And then moved to Silverdale?

21          A.      Yes.

22          Q.      And then to Bradley County jail?

23          A.      Yes, sir.

24          Q.      Then once you got sentenced, you then were  
25      moved to the BOP facility and then Oklahoma City?

1 A. Yes, sir.

2 Q. And you've been here at Forrest City since  
3 February of this year; is that right?

4 A. Yes, sir.

5 Q. Prior to March 9th, 2017, were all else  
6 have you lived?

7 A. I stayed at 3511 Highway 95 for maybe two  
8 months with my oldest son's mother. And the rest of  
9 my life, I've lived at 33 Henton Lane, Ringgold,  
10 Georgia.

11 Q. That's where you lived from when you were  
12 born up until March of 2017?

13 A. That's where I lived since I was seven  
14 years old. I don't remember the address before I was  
15 seven. My grandmother bought the property when I was  
16 seven years old and I lived there ever since.

17 Q. The 3511 Highway 95, that's in Rock  
18 Springs, Georgia?

19 A. Yes.

20 Q. When you when you moved to this family home  
21 on Hinton Lane in Ringgold when you were seven --

22 A. Yes.

23 Q. -- you lived there with your mom and dad?

24 A. No. My grandmother and my mentally  
25 disabled aunt.



1 Q. You grandmother and mentally disabled aunt?

2 A. Yes.

3 Q. What is your grandma's name?

4 A. Ruth Koger.

5 Q. Is she still alive?

6 A. No, sir.

7 Q. Okay. And your mentally disabled aunt what  
8 is her name?

9 A. Brenda Koger. Also deceased.

10 Q. She's also deceased. And were you raised  
11 by your grandma?

12 A. Yes, sir. Until the age of 14.

13 Q. Then what happened at 14?

14 A. My grandmother sold the home on 33 Hinton  
15 Lane to my parents and she was getting a little too  
16 old to take care of me. I was, you know, teenager,  
17 kind of wanting to do my own thing. So she let my  
18 parents take back custody of me.

19 Q. Give us your parents' names.

20 A. Annette and Phillip Koger.

21 Q. Are they still married?

22 A. Yes.

23 Q. And do they still live at 33 Hinton Lane,  
24 Ringgold, Georgia?

25 A. Yes, sir.

1 Q. Do you have any brothers or sisters?

2 A. Yes, sir.

3 Q. Tell me -- give me names.

4 A. Leslie Dodson. It's my only sister.

5 Q. Is she your --

6 A. She's my half sister.

7 Q. Half sister. And she lives where?

8 A. 2031 Yankee Road.

9 Q. Where is that?

10 A. It's in Dade County. Mentone maybe.

11 Menton or --

12 Q. I've heard of Mentone, Alabama?

13 A. It's Georgia.

14 Q. Mentone, Georgia?

15 A. Yes.

16 Q. Okay. How old is Leslie?

17 A. I'm 34, so she's 37 or 38. I'm not sure.

18 We weren't raised together or around each other.

19 Q. Is -- Leslie is your half sister. Is  
20 that -- is that from your mom's side or dad's side?

21 A. My mother's side.

22 Q. And any other brothers or sisters besides  
23 Leslie?

24 A. No, sir.

25 Q. She's your only one?

1 A. Yes, sir.

2 Q. Okay. What does Annette Koger do? Is she  
3 employed?

4 A. Yes, sir.

5 Q. Where does she work?

6 A. She's a manager of Wal-Mart food center in  
7 East Ridge, Georgia.

8 Q. East Ridge, Georgia?

9 A. East Ridge, Tennessee. My bad, my bad.

10 (Off the record.)

11 BY MR. HOSS:

12 Q. So your mom is currently -- is she  
13 currently a manager at Wal-Mart in East Ridge?

14 A. Yes.

15 Q. How long has she had that job?

16 A. Probably four years.

17 Q. Okay. What about your dad?

18 A. He's unemployed. He's on disability.

19 Q. How long has he been on disability?

20 A. I'm not sure. Couple years.

21 Q. What did he do before the disability?

22 A. Iron worker.

23 Q. Is he with a union?

24 A. No, sir. Off and on. Off and on with a  
25 union. His last -- his last few jobs, he was with a

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 16

1 union.

2 Q. Do you remember his last job?

3 A. Spirit. They're out of Green Bay,  
4 Wisconsin. There's a sister company for Vos Electric  
5 Company I worked for.

6 Q. And do you have an approximate date on when  
7 his last time he was employed by -- for some iron  
8 company?

9 A. No. Probably 2015, probably.

10 Q. Okay. It would have been before this  
11 incident?

12 A. Yes.

13 Q. Before your arrest, right?

14 A. Yes.

15 Q. Any other family members that you're close  
16 with besides mom, dad, sister?

17 A. Just my aunt, Nora.

18 Q. What's Nora's full name?

19 A. Nora Koger.

20 Q. Where does she live?

21 A. 471 East Teems --

22 Q. East --

23 A. 471 East Teems, T-E-E-M-S, Road.

24 Q. Where is that located?

25 A. Ringgold, Georgia.

1 Q. How old is Nora? 50s, 60s?

2 A. 60s.

3 Q. Okay. Mom's sister? Dad's sister?

4 A. Dad's sister.

5 Q. Any other cousins in north Georgia, south

6 Tennessee or southeast Tennessee or --

7 A. Yeah. Her granddaughter, Haley, but I'm  
8 not close with her.

9 Q. What's Haley's last name?

10 A. Maiden last name is Koger. I don't know --  
11 she recently got married. I don't know her married  
12 last name.

13 Q. Let's talk about your educational  
14 background. Mr. Koger, I understand you attended  
15 Houston County Crossroads Academy. Is that a public  
16 school?

17 A. Yes. It's like an alternative school.  
18 It's currently changed the name of it to something  
19 else. I forget what they changed the name too. It's  
20 at the old Battlefield Elementary.

21 Q. But it's currently still operating, but  
22 under a different name?

23 A. Yes.

24 Q. And you -- I read in another set of  
25 interrogatories you left in your senior year? Or

1 when did you leave?

2 A. My senior year.

3 Q. Okay. Why did you drop out of school?

4 A. Bad attitude.

5 Q. Have you ever graduated --

6 A. No, sir.

7 Q. -- high school?

8 A. No, sir.

9 Q. Or obtained your GED?

10 A. No, sir.

11 Q. But do you have any disabilities or  
12 restrictions regarding being able to read or write?

13 A. No, sir.

14 Q. Or understand written words on paper?

15 A. No, sir.

16 Q. Okay. If I show you something and you  
17 don't understand it, you'll make sure that we explain  
18 it to you; is that right?

19 A. Yes, sir.

20 Q. Okay. You -- you indicate here about your  
21 employment that you became a licensed journeyman  
22 electrician?

23 A. Yes, sir.

24 Q. When was that?

25 A. 2011, 2012.

1 Q. And who were you working for when that  
2 happened?

3 A. Vos Electric.

4 Q. So you -- when did you start with Vos?  
5 That's with a V, correct?

6 A. Yes.

7 Q. When did you start?

8 A. Two Ss -- or no, single S.

9 Q. V-O-S?

10 A. Yes. V-O-S.

11 Q. Okay. Where are they -- do you know their  
12 business address?

13 A. Green Bay, Wisconsin. Do you mind if I  
14 stand up a minute?

15 Q. No, sir. I don't. Keep asking you  
16 questions while you're standing up?

17 A. Go ahead.

18 Q. Did Vos Electric have a physical location  
19 in Ringgold or where you grew up?

20 A. No. My dad started working for Spirit and  
21 I didn't iron work with him until he got on the job  
22 site and I couldn't get on as an iron worker. So  
23 they said the electrical crew is hiring, would you  
24 like to work for them? So yeah, I tried that out.  
25 And I worked with them and then went to Robins &

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 20

1 Morton and got my journeyman's card with Robins &  
2 Morton and --

3 Q. I didn't hear that last right. You went to  
4 Robins --

5 A. And Morton.

6 Q. How do you spell that?

7 A. R-O-B-I, think single B, I-N-S.

8 Q. Yes, sir.

9 A. Morton, M-O-R-T-O-N.

10 MR. HOSS: Let's go off the record for a  
11 second.

12 (A short break was had.)

13 (Ms. Wynne and Mr. Exum joined the deposition.)

14 BY MR. HOSS:

15 Q. Mr. Koger, when did -- about what year did  
16 you drop out of high school?

17 A. 2001, 2002.

18 Q. And then when did you start working at Vos  
19 Electric?

20 A. 2011, 2012.

21 Q. So what did you do during that 10-year time  
22 period before?

23 A. Whatever. Roofing, everything from  
24 roofing, iron working, welding.

25 Q. For who?



1           A.     Roofing, I worked for Terry Lee Harris. I  
2     iron worked for Buckner Steel. That's also where I  
3     learned welding.

4           Q.     Can you think of anybody else?

5           A.     Special Metal Fabricators, Specialty Metal  
6     Fabricators.

7           Q.     Specialty Metal Fabricators? Okay.

8           A.     Yes. And that's about it.

9           Q.     And you began work with Vos in 2011, 2012;  
10    is that right?

11          A.     Yes.

12          Q.     And then you went to Robins & Morton?

13          A.     Yes.

14          Q.     And that's when you obtained your license  
15    journeyman?

16          A.     And that's where I obtained my journeyman's  
17    card.

18          Q.     And that was to become an electrician; is  
19    that right?

20          A.     Yes.

21          Q.     Prior to that, had you done any electrical  
22    work?

23          A.     Never.

24          Q.     And do you know when you obtained your  
25    journeyman's card as an electrician?

1 A. 2014.

2 Q. How long did you work for Robins & Morton?

3 A. 2013, 2014.

4 Q. So you left as soon as you obtained your  
5 journeyman's card?

6 A. Yes.

7 Q. Where did you go?

8 A. Back to Vos.

9 Q. Back to Vos?

10 A. Yes.

11 Q. And so, you started back with them in 2014  
12 and worked with Vos for how long?

13 A. Probably another two years.

14 Q. So that would take us to about 2016?

15 A. Yeah. Start of.

16 Q. To the beginning of 2016?

17 A. Yes.

18 Q. Why did you leave Vos in the beginning of  
19 2016?

20 A. Lay off.

21 Q. So you were laid off?

22 A. Yes.

23 Q. Okay. Any other employment after that,  
24 between then and March 9th, 2017?

25 A. Just under the table stuff for a gentleman

1 named Rob Sprague on odd stuff at his house.

2 Q. How do you spell his last name?

3 A. S-P-R-A-G-U-E.

4 Q. Sprague?

5 A. Sprague.

6 Q. Okay. So he paid you under the table to do  
7 odds and ends around his house?

8 A. Yes.

9 Q. And at the time this occurred in -- on  
10 March 9th, 2017, you were unemployed?

11 A. Yes.

12 Q. Is that right?

13 A. Yes.

14 Q. We had asked for copies, something, showing  
15 your earnings or wages, an income tax return, W-2.

16 Do you have any of those documents?

17 A. No, sir.

18 Q. When was the last time you filed an income  
19 tax return?

20 A. 2015.

21 Q. Did you get a refund?

22 A. Yes.

23 Q. How much was it?

24 A. I'm not sure.

25 Q. Where would that income tax return be?

1 A. Who I filed with.

2 Q. Where would a copy of it be?

3 A. The IRS.

4 Q. Okay.

5 A. I don't know.

6 Q. Did you keep a copy?

7 A. No.

8 Q. Can you -- did your leave at copy at your  
9 home?

10 A. After I get done with that kind of stuff, I  
11 just throw it away.

12 Q. What income did you declare during 2015?

13 A. Just what I had from Vos.

14 Q. How much was that?

15 A. \$40,000.

16 Q. And I think you're paid a pretty good  
17 hourly rate --

18 A. Yeah.

19 Q. -- wage; is that right?

20 A. Yes.

21 Q. What was it?

22 A. \$27 an hour.

23 Q. Is that the highest you've been paid?

24 A. Yes.

25 Q. Okay. And when we talk about the 2015 tax

1 return, you're talking about that was filed in April  
2 15th of 2015?

3 A. Yes.

4 Q. For your 2014 --

5 A. '14, yes.

6 Q. -- income?

7 A. Yeah.

8 Q. And so in 2014, your recollection that you  
9 earned -- you were earning about \$40,000 a year at  
10 \$27 an hour?

11 A. Yes.

12 Q. But you don't have any records to support  
13 that?

14 A. No.

15 Q. What was Rob Sprague paying you?

16 A. Roughly \$15 an hour.

17 Q. How many hours did you work for him?

18 A. Usually 8 to 10 a day.

19 Q. 8 to 10 hours a day?

20 A. Yes.

21 Q. For how long?

22 A. Right up until about the day I got caught.

23 Q. Seven days a week?

24 A. Five days a week.

25 Q. That's a lot of odds and ends, right?

1           A.     Well, he's got like a couple mechanic shops  
2     out there on his property, four-car garages he does  
3     mechanical work out of.

4           Q.     What's Rob's home address, or the address  
5     where you worked?

6           A.     It's burned down, but -- but it's at the  
7     end of -- it's in Rossville. Come off -- come off  
8     Hooker Road. I don't remember the name of the damn  
9     road.

10          Q.     How did it burn down?

11          A.     Electrical fire.

12          Q.     When did that happen?

13          A.     Not too long before I -- that's kind of why  
14     I quit working for him. He died in the -- he died in  
15     the --

16          Q.     He died in the fire?

17          A.     Yes.

18          Q.     You're not sure when that was?

19          A.     It was --

20          Q.     Your employer died in the fire?

21          A.     It was the beginning of 2017. Like  
22     January, late January, early February.

23          Q.     Okay. So in your interrogatory responses,  
24     Number 5, it says that you worked at Robins & Morton  
25     from 2007 until 2011. So is that not accurate?

1 A. 2007 -- no.

2 Q. That's not accurate? You only worked for  
3 them after in two -- from what you just testified to,  
4 in 2014 to 2015?

5 A. Yeah. No. 2013 to 2014.

6 Q. Okay. So your testimony now is you worked  
7 at Robins & Morton from 2013, 2014?

8 A. Yeah.

9 Q. Okay. Have you ever -- have you ever been  
10 found to be disabled?

11 A. No, sir.

12 Q. All right. You've never received any  
13 disability compensation of any kind; is that right?

14 A. No, sir.

15 Q. We were given this Exhibit 1. Let me show  
16 it to you to, the interrogatories as your, I guess,  
17 response to when we asked about what your criminal  
18 record was. Take a look at that. Let's just start  
19 with the first page. I'll come back to the  
20 federal -- the federal conspiracy charges you're  
21 currently serving your sentence on. But I want to go  
22 through the rest of the answers. Okay?

23 A. Uh-huh.

24 Q. First off, is this your full, complete copy  
25 of your criminal record?

1 A. Yes, sir.

2 Q. And just so we're clear, when you get  
3 sentence in federal court, you receive a presentence  
4 investigation report, a PSR?

5 A. Yes, sir.

6 Q. You saw that?

7 A. Yes, sir.

8 Q. That's prepared by the judge's probation  
9 officer, correct?

10 A. Yes, sir.

11 Q. That sets out all of your criminal history?

12 A. Yes, sir.

13 Q. So you've reviewed that here in the last  
14 24 months, correct?

15 A. Yes, sir.

16 Q. All right. So looks like November 10th,  
17 2014, Walker County, you were charged with driving  
18 without a license. Did you plead guilty to that?

19 A. No, I didn't. I never even had a court  
20 date on that.

21 Q. Okay. Says there's a \$662 fine?

22 A. I never went to court over that.

23 Q. So you were fined without going to court?

24 A. Yes, sir.

25 Q. In the next entry -- this is what you guys



1 gave me so I'm just asking about it. March 12th,  
2 2016, you were charged with theft over \$10,000 and  
3 resisting arrest in Sequatchie County?

4 A. Yes, sir.

5 Q. Okay. Tell me about that.

6 A. I got into the vehicle that I didn't know  
7 was stolen and someone also took all responsibility  
8 for those charges. I just hadn't been back to court  
9 on it because I got incarcerated for this.

10 Q. So -- so that would have been on  
11 March 12th, 2016, you were driving in someone's car?

12 A. No. I was a passenger.

13 Q. You were a passenger in a car?

14 A. Yes. In a stolen vehicle.

15 Q. And what kind of car was it?

16 A. A Nissan Frontier.

17 Q. And who were you with?

18 A. Ashley Stinnett.

19 Q. Can you spell her last name for me?

20 A. S-T-I-N-N-E-T-T.

21 Q. She was driving?

22 A. Yes.

23 Q. And you guys got blue lighted by the  
24 sheriff?

25 A. Yes, sir.

1 Q. And pulled over?

2 A. Yes, sir.

3 Q. Did you guys flee?

4 A. Yes. She did.

5 Q. With you as passenger?

6 A. Yes, sir.

7 Q. Okay. And how far did she go? How far did  
8 she get?

9 A. All the way to a dead end road.

10 Q. Okay. And what happened?

11 A. They -- she finally got out of the truck.  
12 We got out the truck and they arrested us both.

13 Q. Any drugs in the car?

14 A. No, sir.

15 Q. Any guns?

16 A. No, sir.

17 Q. Were you charged with resisting?

18 A. Yes, sir.

19 Q. Did you resist?

20 A. No, sir.

21 Q. Okay. Were you injured in that?

22 A. No, sir.

23 Q. Was there a wreck?

24 A. No, sir.

25 Q. She just got to a dead end road --

1 A. Drove into the cow pasture.

2 Q. Drove into a cow pasture. So you were  
3 arrested on that. Did you make bond?

4 A. Yes, sir.

5 Q. And what was your bond?

6 A. \$100,000.

7 Q. So you posted \$10,000 in cash?

8 A. Yes, sir.

9 Q. And you were released; is that correct?

10 A. Yes, sir.

11 Q. And were you ever given a court date? Did  
12 you ever go back?

13 A. I was never given a court date, notice to  
14 appear or anything like that.

15 Q. Do you know if that charge is currently  
16 still pending against you?

17 A. Yes, sir.

18 Q. And you know that because when you come  
19 into a BOP facility, don't you get assessed points  
20 for pending charges?

21 A. Yes, sir.

22 Q. And you still -- so according to this  
23 facility, this BOP here at Forrest City, they're  
24 assessing you points based upon that?

25 A. Yes, sir.

1 Q. For Sequatchie County charges?

2 A. Yes, sir.

3 Q. And that affects what? How does that  
4 affect you as an inmate currently?

5 A. Well, each detainer you have, your  
6 detainers, they go on -- graded on severity.

7 Q. Yes, sir.

8 A. Right now I have seven severity points  
9 because I have the detainer from that. If not for  
10 that, I would be -- I wouldn't be here. I'd be in a  
11 camp. I have camp points.

12 Q. Is this your only -- is this -- is this  
13 charge your only detainer?

14 A. No, sir.

15 Q. You have other detainers?

16 A. Yes, sir.

17 Q. We'll get to those in a sec. So let's move  
18 on to the next -- next one.

19 So you made bond in Sequatchie County. And  
20 on October the 8th, 2016, you got charged in Hamilton  
21 County with a theft of property?

22 A. Yes, sir.

23 Q. Tell me about that.

24 A. I got caught in another stolen vehicle with  
25 someone else.

1 Q. Caught in another stolen vehicle with  
2 someone else?

3 A. Yes.

4 Q. Did that happen in October of 2016?

5 A. Yes.

6 Q. October the 8th, 2016?

7 A. Like I say, I never received a court date  
8 for the Sequatchie County or they would have sent me  
9 back to Sequatchie for -- so I never got the court  
10 date for that. I never got a court date for either  
11 of these until I was arrested on the charges I'm  
12 currently here on.

13 Q. So let's talk about that incident on  
14 October the 8th, 2016.

15 A. Yes, sir.

16 Q. Who were you with that time?

17 A. Brandi Clowers.

18 Q. How do you spell Brandi?

19 A. B-R-A-N-D-I.

20 Q. Okay.

21 MR. STANFORD: Can I have just a second?  
22 I'm going to go off the record with Mr. Koger for  
23 just a second. I need to speak with him.

24 (A short break was had.)

25 MR. STANFORD: I want to just say for the

1 record that I explained to Mr. Koger his Fifth  
2 Amendment right against self-incrimination.

3 BY MR. HOSS:

4 Q. Okay. You were telling us on October  
5 the 8th, 2016, we were discussing your charge for  
6 theft of property pending in Hamilton County. And  
7 you said that you were with Brandi Clowers in a  
8 stolen vehicle?

9 A. Yes, sir.

10 Q. Is that right?

11 A. Yes, sir.

12 Q. And you were pulled over or stopped?

13 A. Yes, sir.

14 Q. Was there another chase?

15 A. No, sir.

16 Q. Okay. So were you a passenger in this one  
17 as well?

18 A. Yes, sir.

19 Q. Brandi pulled the car over on the side of  
20 the road when she was blue lighted?

21 A. She didn't make it out of her driveway and  
22 she was blue lighted because she hit a trash can.

23 Q. How did the police get called?

24 A. The neighbors called the police.

25 Q. And they showed up. Were you at the scene?

1 A. Yes, sir.

2 Q. And what happened?

3 A. They arrested her for possession of stolen  
4 vehicle and me theft of property.

5 Q. What were they accusing you of stealing?

6 A. The truck.

7 Q. It was a truck?

8 A. Yes.

9 Q. What kind of truck?

10 A. A like 2014 Chevy Suburban.

11 Q. And were there any drugs in the car?

12 A. No, sir.

13 Q. Any guns?

14 A. No, sir.

15 Q. What was your bond on that one?

16 A. I think \$20,000.

17 Q. So you posted -- posted two grand or so to  
18 a bonding company and got out?

19 A. Yes, sir.

20 Q. Did you ever go to court on that?

21 A. No, sir.

22 Q. Why not?

23 A. I was never given a court date, like on the  
24 other one. I never received a court date until I got  
25 arrested on this.

1 Q. Usually the way it happens in Hamilton  
2 County, when you make bond and get released, they  
3 give you a court date. You're saying that didn't  
4 happen in this case?

5 A. No, sir.

6 Q. Then the next -- the next entry on  
7 Exhibit 1 -- well, what I'm referring to as -- what  
8 we've been marked Exhibit 1 for this deposition, but  
9 contained within that is this summary of -- of your  
10 criminal history. What's listed next is dated  
11 March 9th, 2017?

12 A. Yes, sir.

13 Q. That's this incident with these officers,  
14 correct?

15 A. Yes, sir.

16 Q. So you were charged in state court for that  
17 here in Hamilton -- here -- in Hamilton County,  
18 Tennessee for several charges related to that high  
19 speed chase?

20 A. Yes.

21 Q. What's the status of those?

22 A. As far as I understand, they're dismissed.

23 Q. Okay. And they dismissed those after you  
24 received the 15-year sentence in federal court?

25 A. Yes, sir.



1 Q. Next entry is a December 21, 2004, theft of  
2 property in Marion County?

3 A. Yes, sir.

4 Q. And it shows that that case -- that case  
5 had been dismissed?

6 A. Yes, sir. I wasn't even booked for that.  
7 My best friend stole his parents' fishing boat and  
8 never returned it and told them that I was with him  
9 and I was the one who did it. I wasn't even there.

10 Q. So that would have been before you had been  
11 -- early 20s?

12 A. Yes. Something like that.

13 Q. Okay. But that charge was dismissed?

14 A. Yes.

15 Q. And the next one is January 12th, 2015.  
16 You were charged with -- in Catoosa County,  
17 manufacturing, selling, distributing drugs,  
18 purchasing/possessing drugs, possession of marijuana?

19 A. Yes, sir.

20 Q. And what happened in that case?

21 A. I was in a hotel room where they found  
22 drugs. The police actually watched the guy pull the  
23 drugs out of his pocket and throw them on the ground.  
24 If you don't admit to them, I'm arresting everyone.  
25 So he arrested everyone. And then finally the guy

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 38

1 came clean and the charges got dismissed on me.

2 Q. So in 2005 you were in a hotel room --

3 A. Yes.

4 Q. -- with some guy. Do you know who it was?

5 A. Dustin Lorrence (phonetic).

6 Q. Okay. And Dustin possessed these drugs and  
7 put them --

8 A. Yes. His probation -- he was on the run  
9 from the police. His probation officer showed up to  
10 the hotel room and brought the police with him. And  
11 when they came in, Dustin threw the drugs out of his  
12 pocket on the ground and we were all arrested for it.

13 Q. Dustin a friend of yours?

14 A. Used to be. He's deceased.

15 Q. He's dead now?

16 A. Yes.

17 Q. He was a friend of yours in 2005?

18 A. Yes.

19 Q. The next entry shows January 29th, 2006,  
20 simple battery?

21 A. Yes.

22 Q. Who was that involving?

23 A. Young man who robbed a house where I was  
24 staying and --

25 Q. You remember his name?

1 A. No.

2 Q. Okay. But that charge was nolle prossed?

3 A. Yes.

4 Q. By Catoosa County?

5 A. Yes.

6 Q. And I think you were about to tell us he  
7 robbed a house that you were staying at and that led  
8 to a fight?

9 A. Yes.

10 Q. Shouldn't rob a house where an MMA fighter  
11 lives?

12 A. It wasn't just me that got simple battery.  
13 We caught him in the house.

14 Q. Who is we?

15 A. Me and the homeowner.

16 Q. The homeowner got charged as well?

17 A. Yes.

18 Q. Did his charge get dismissed?

19 A. Yes.

20 Q. 2000 -- the next entry, August 13, 2008,  
21 charged again in Catoosa County, and it looks like  
22 the charge was battery/family violence and cruelty to  
23 children in the third degree. Do you recall that?

24 A. Yes.

25 Q. Tell me about that?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 40

1           A.     Me and my exwife got into a disagreement  
2     and my daughter witnessed it.

3           Q.     Okay. Who is your exwife?

4           A.     Tina Watkins.

5           Q.     Tina Watkins. There's some responses to  
6     the interrogatories, there was some confusion and I  
7     didn't understand. Are you divorced or not divorced?

8           A.     I'm not divorced, but I haven't seen her in  
9     13 years. We were married six months when we split  
10    up and we haven't seen each other since.

11          Q.     Does she currently live in Catoosa County?

12          A.     I couldn't tell you where she lives.

13          Q.     How many children did you have with Tina?

14          A.     Zero.

15          Q.     No kids. All right. You just mentioned  
16    one of your children?

17          A.     Cheyenne.

18          Q.     Who is -- what -- what is her full name?

19          A.     Adriann Cheyenne Hix Koger.

20          Q.     All right. Can you spell that for us? How  
21    do you spell Adriann?

22          A.     A-D-R-I-A-N-N.

23          Q.     Two Ns. Okay. How do you spell Cheyenne?

24          A.     C-H-E-Y-E-N-N-E.

25          Q.     Then it's Hix Koger?

1 A. H-I-X.

2 Q. H-I-X. Okay?

3 A. K-O-G-E-R.

4 Q. And who is her mom?

5 A. Robin Johnson.

6 Q. What is Adriann's date of birth?

7 A. 11-25-2000.

8 Q. So she is currently 18 years old?

9 A. Yes, sir.

10 Q. So you and Robin had Adriann -- well, let  
11 me ask you this: When were your married to Tina  
12 Watkins? What's your anniversary date? You've been  
13 married to her for 13 years, over 13 years.

14 A. Give me a minute. June. June, I want to  
15 say.

16 Q. Okay.

17 A. I'm really not sure the date.

18 Q. Got a year? You don't know a year?

19 A. (Witness shook head.)

20 Q. Would it been before your -- Adriann's your  
21 first child that you've ever had?

22 A. Yes.

23 Q. Right?

24 A. Yes.

25 Q. Would it have been before she was born or

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 42

1 after she was born?

2 A. It was after she was born.

3 Q. Okay.

4 A. Way after. That's what caused -- that's  
5 what caused the argument about the -- I don't know,  
6 man.

7 Q. So you're un--

8 A. Maybe 2003, 2004, something like that.

9 Q. Your best estimate on when you were married  
10 to Tina Watkins was June of '03 or '04?

11 A. Yeah.

12 Q. Okay. Besides Adriann, do you have any  
13 other children?

14 A. Yes. Christian Michael Charles Koger.

15 Q. Christian Michael Charles Koger. And who  
16 is Christian's mom?

17 A. Tonya Tidwell.

18 Q. Tonya Tidwell. What's his date of birth?

19 A. 10-2-of '09.

20 Q. So he is currently nine years old?

21 A. Yeah.

22 Q. And Tonya has custody of him?

23 A. Yes.

24 Q. Understand Cheyenne is 18, but who has  
25 custody of Cheyenne?

1 A. I had custody of Cheyenne her whole life  
2 until she become an adult.

3 Q. Okay. Well, you've been in prison --

4 A. For years, yes. She -- she got emancipated  
5 at 16 years old.

6 Q. Does she have any relationship with her  
7 mom, robin?

8 A. Not that I know of. Not anymore.

9 Q. When did that end?

10 A. During this arrest.

11 Q. So during your arrest that's at issue in  
12 this case, your daughter's relationship with her  
13 mother ended?

14 A. Yeah. She feels like Robin told on me.

15 Q. She feels like Robin -- how did Robin tell  
16 on you?

17 A. She feels like Robin told the police where  
18 I was headed.

19 Q. You're talking about the night of  
20 March 9th, 2017?

21 A. Yes.

22 Q. Okay. We'll get into what happened that  
23 night and I'll just leave it at that and we'll come  
24 back to that here in a moment.

25 Besides Adriann, besides Christian, you

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 44

1 have another child?

2 A. I got two more.

3 Q. Give me their full names and dates of  
4 birth.

5 A. Emma Faye Dannette.

6 Q. Spell Faye.

7 A. F-A-Y-E.

8 Q. Okay.

9 A. Dannette, D-A-N-N-E-T-T-E.

10 Q. And Emma, she go by Emma?

11 A. Yes.

12 Q. How old is she?

13 A. Last name is Romines.

14 Q. Emma Faye Dannette, last name is Ro --

15 A. Romines.

16 Q. How do you spell that?

17 A. R-O-M-I-N-E-S.

18 Q. What's her date of birth?

19 A. March the 30th, 2014.

20 Q. So she's currently?

21 A. Four years old.

22 Q. Who is her mother?

23 A. Cristel Romines, C-R-I-S-T-E-L. And then  
24 Wesley David Vincent Romines.

25 Q. Speak up, if you can?



1 A. Romines.

2 Q. And his mother is Cristel as well?

3 A. Yes.

4 Q. Okay. What's his date of birth?

5 A. March the 7th of 2015.

6 Q. Do you have any contact with him or Wesley?

7 A. Yes.

8 Q. While you're here in the facility?

9 A. Yes.

10 Q. And does Cristel have custody of both of  
11 them?

12 A. Yes.

13 Q. Do you have any -- do you currently have  
14 contact with Christian?

15 A. Yes.

16 Q. And I'm assuming you have contact with  
17 Cheyenne?

18 A. Of course.

19 Q. Have any of them come to see you?

20 A. Not yet. No.

21 Q. I know you just got here in February. All  
22 right. Let me keep on going.

23 On the battery, the August 13, 2008  
24 battery/family violence, cruelty to children, that  
25 was nolle prossed in Catoosa County; is that correct?

1 A. Yes.

2 Q. The next entry was December 6th, 2008,  
3 possession of marijuana, through municipal court?

4 A. Yes.

5 Q. That was -- was that dismissed?

6 A. Yes.

7 Q. Do you recall that?

8 A. Yes.

9 Q. Tell me about that.

10 A. Passenger in my vehicle was caught with  
11 some marijuana in the vehicle and he ended up taking  
12 his charge. We all got arrested for it, but that was  
13 -- or his open container.

14 Q. Who -- do you remember who that was?

15 A. Michael Ward.

16 Q. Michael Ward. And then the last entry is  
17 September 24th, 2011, assault and battery, Anderson  
18 County, South Carolina?

19 A. Yes.

20 Q. Do you recall that?

21 A. Yes.

22 Q. Tell me about that.

23 A. I pistol whipped somebody in front of my  
24 house.

25 Q. What led to that?

1 A. Breaking and entering.

2 Q. The person you pistol whipped broke into  
3 your house?

4 A. Yes.

5 Q. So you lived in South Carolina?

6 A. Yes. Short term, while working for Vos.

7 Q. Okay. Because we asked --

8 A. It's a hotel. It wasn't -- I didn't have  
9 an address. It was in a hotel. It was actually a  
10 coworker that had got in my hotel room, mine and my  
11 dad's.

12 Q. So in September of 2011 in South Carolina  
13 you were working for Vos Electric?

14 A. Yes.

15 Q. You were living at a hotel?

16 A. Yes.

17 Q. And a coworker got in your hotel room?

18 A. Yes.

19 Q. And then you pistol whipped him?

20 A. Yes.

21 Q. What -- did he have injuries?

22 A. Yes.

23 Q. That charge was ultimately dismissed?

24 A. Yes.

25 Q. Did you have any injuries?

1 A. No.

2 Q. Whose pistol was it?

3 A. Mine.

4 Q. In -- in the current case, March -- that  
5 result -- the federal case that you've listed on  
6 here, you were indicted by a grand jury sitting in  
7 Chattanooga, a federal grand jury, correct?

8 A. Yes.

9 Q. Let me show you -- take a look. It's been  
10 marked as Exhibit 5 to this deposition.

11 (Exhibit Number 5 marked for identification.)

12 BY MR. HOSS:

13 Q. Is that, in fact, your indictment?

14 A. Yes, sir.

15 MR. HOSS: I move for Exhibit 5 to be  
16 admitted.

17 BY MR. HOSS:

18 Q. You're listed on there with several  
19 codefendants; is that correct?

20 A. Yes, sir.

21 Q. And you're charged in, I think, it's Count  
22 1 and Count 8?

23 A. Count 1, Count 7, and Count 8.

24 Q. Seven -- 7 was ultimately dismissed?

25 A. Yes.

1 Q. What were you charged with in Count 1?

2 A. Conspiracy to distribute 500 grams or more  
3 of methamphetamine actual.

4 Q. From what dates?

5 A. February 2016 to April 2017.

6 Q. And you entered a plea of guilty to that  
7 count, correct?

8 A. Yes.

9 Q. Count 8 charged you with what?

10 A. Possession of firearm during the presence  
11 of a drug felony.

12 Q. And on what day did Count 8 deal with?

13 A. March the 8th, 2017.

14 Q. Let me see that. Take a look at -- take a  
15 look at Count 8. Double check the date?

16 A. Says on or about March the 9th.

17 Q. You said -- you said March 8th?

18 A. Yeah. It was -- it was March 8th because  
19 that's when I got blue lighted.

20 Q. Okay. I think you got blue lighted on  
21 March 9th. The date that I've got is March 9th, but  
22 you got -- you were charged with possession of a  
23 firearm in furtherance of a drug trafficking crime  
24 from the guns that you possessed during this high  
25 speed chase that's at issue in this case, right?

1 A. Yes.

2 Q. Okay. And you pled guilty to that in  
3 federal court; is that right?

4 A. Yes. I did.

5 Q. Did you have a plea agreement?

6 A. Yes. I did.

7 Q. Okay. And was there a stipulated factual  
8 basis to that plea agreement? Like, let me ask you  
9 this: When you normally go in court in federal court  
10 and you plead, they ask you if you've read the  
11 factual basis in your plea agreement, the facts that  
12 support a plea for Counts 1 and 8. Do you recall  
13 that?

14 A. Yes.

15 Q. Okay. Tell me what you remember agreeing  
16 to as a factual basis.

17 MR. STANFORD: I'm going to go ahead and  
18 interject for the record. And it's -- he may or may  
19 not need to answer this, but he withdrew from the  
20 plea agreement. The judge rejected it, so it's not  
21 part of the record by court order. But if you want  
22 to can ask him what about he remembers from that, I'm  
23 fine with that. I just want you to understand that's  
24 not -- he didn't enter a plea pursuant to that  
25 agreement.

1 MR. HOSS: The plea agreement eventually  
2 got set aside.

3 MR. STANFORD: It was set aside. Ye.

4 MR. HOSS: So he plead what we call open,  
5 correct?

6 MR. STANFORD: Yes.

7 BY MR. HOSS:

8 Q. Did you do that?

9 MR. STANFORD: Actually, just whenever --  
10 the plea hearing, when the plea agreement was in  
11 effect, he didn't require subsequent open plea. He  
12 just said the plea agreement is rejected, the plea  
13 remains in effect. The plea of guilty remains in  
14 effect. He goes to sentencing. That's procedurally  
15 how Judge Mattice did it.

16 MR. HOSS: But you've got to have a factual  
17 basis to support plea, even if you plead open.

18 MR. STANFORD: It --

19 MR. HOSS: There's a factual basis  
20 contained in the plea agreement.

21 MR. STANFORD: There is.

22 THE WITNESS: Yes.

23 BY MR. HOSS:

24 Q. Right?

25 A. Yes.

1 Q. And you read that factual basis?

2 A. Yes.

3 Q. And you were asked under oath, is that  
4 factual basis true and accurate?

5 A. Yes.

6 Q. Is that your same testimony today, that the  
7 factual basis contained in that plea agreement, even  
8 though it's -- technically the plea agreement may  
9 have set aside for a different paragraph later on, is  
10 the factual basis in the plea agreement true and --

11 MR. STANFORD: I'm going object to that  
12 because he's not been provided with that document to  
13 review prior to answering this question. I think he  
14 should be entitled to review that document to make  
15 sure everything in it is entirely accurate.

16 BY MR. HOSS:

17 Q. You can answer.

18 A. No. Everything is not -- it -- there's --  
19 the 137 grams of meth that they claimed to have  
20 picked up off the road was in the vehicle.

21 Q. Yeah.

22 A. It was never thrown out of the vehicle.  
23 They -- they never went back for that.

24 Q. So -- so what you're telling me is the  
25 factual basis in the plea agreement is not accurate?



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 53

1 A. Correct.

2 Q. Okay. Do you recall being put under oath  
3 and asked if it was accurate at that hearing?

4 A. No. I was just asked if I accepted what  
5 was in the plea agreement.

6 Q. Okay. And if the transcript said something  
7 different --

8 A. I haven't read the transcript.

9 Q. Okay. But as you sit here today, you're  
10 saying that that factual basis in the plea agreement  
11 to the best of your knowledge is not accurate?

12 A. No, sir.

13 MR. STANFORD: Object to the form.

14 BY MR. HOSS:

15 Q. You pled guilty to Counts 1 and 8. Can we  
16 agree on that?

17 A. Yes, sir.

18 Q. Okay. And so you admit to being in a drug  
19 conspiracy between those dates that are listed in  
20 Counts 1 to distribute methamphetamine?

21 A. Yes, sir.

22 Q. Correct? And you agree to possessing a  
23 firearm in furtherance of that drug conspiracy on  
24 March 9th, 2017, correct?

25 A. Yes, sir.

1 Q. And then you proceeded to sentencing in  
2 front of Judge Mattice, was it?

3 A. Yes, sir.

4 Q. What sentence did you receive?

5 A. 180 months.

6 Q. All right. And you face certain mandatory  
7 minimum sentences as a result of that plea, correct?

8 A. Yes, sir.

9 Q. Tell us what the mandatory minimum was for  
10 the drug conspiracy, Count 1.

11 A. Ten years.

12 Q. And tell us what the mandatory minimum for  
13 Count 8 was.

14 A. Five years.

15 Q. And those were run concurrent or  
16 consecutive?

17 A. They're run consecutive.

18 Q. Why were they run consecutive?

19 A. That's the way it's done.

20 Q. That's what the law requires, correct?

21 A. Yeah.

22 Q. And when you say you received a sentence of  
23 180, that's 15 years?

24 A. Yes.

25 Q. Mandatory minimums?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 55

1 A. Yes.

2 Q. Is that right?

3 A. Yes.

4 Q. Was it your understanding by operation of  
5 law the judge could not have given you less than  
6 15 years?

7 A. I understand without -- without other  
8 without 5K1 or 135, all that stuff, yes.

9 Q. Okay. Let me -- after you got arrested on  
10 March 9th, 2017, did you give a statement to law  
11 enforcement?

12 A. Yes.

13 Q. Okay. Did they ask you how long you had  
14 been dealing meth and what your drug trafficking  
15 activities were?

16 A. No.

17 Q. They never did?

18 A. No.

19 Q. Did you ever give them any kind of  
20 statement telling them how often you sold or  
21 distributed methamphetamine?

22 A. I told them I bought a quarter pound of  
23 methamphetamine two days before all this happened.

24 Q. You did tell -- you did tell them that  
25 there was that one purchase?

1 A. Yes.

2 Q. Did you tell them about any other  
3 purchases?

4 A. No.

5 Q. And you've not filed any appeals of that  
6 180-month sentence, correct?

7 A. No, sir.

8 Q. Typically, the BOP gives you an out date  
9 once you come into the system. Do you know your out  
10 date?

11 A. April the 3rd, 2030.

12 Q. And do you know, does that take into  
13 consideration good time credits?

14 A. Yes, sir.

15 Q. So if you get full-time credits --

16 A. Yes, sir.

17 Q. Which is 85 percent of your sentence, then  
18 you'll be released April 3rd, 2030 --

19 A. Well, my halfway house date is 10-30 of  
20 2019.

21 Q. You'll get sent out the last six months of  
22 your sentence to a halfway house?

23 A. Yes, sir.

24 Q. Do you think that sentence was fair?

25 A. Yes.

1 Q. Why?

2 A. I -- I did -- I did what I did.

3 Q. Which was what?

4 A. I dealt drugs.

5 Q. How much? You mean, your sentence in  
6 federal court is based upon quantity of drugs,  
7 correct?

8 A. Yes.

9 Q. How many -- how many -- what was the  
10 quantity of drugs they held you accountable for?

11 A. 260 grams.

12 Q. How did they calculate the 260?

13 A. From the quarter pound that I admitted to  
14 before and from the quarter pound they caught on me.

15 Q. And you probably know this better than I  
16 do, how many grams is in a quarter pound?

17 A. 100, roughly. 100.

18 Q. Approximately 100 grams?

19 A. Yeah.

20 Q. So you admitted to 100 grams of  
21 methamphetamine, purchasing that --

22 A. Yes.

23 Q. -- two days before?

24 A. Yes.

25 Q. And --

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 58

1 A. Then they caught me with 137 grams.

2 Q. In the vehicle during the -- after the --  
3 at the end of the high speed chase?

4 A. Yes.

5 Q. So you're adding 100, plus the 137?

6 A. Yes.

7 Q. So the 100 grams you purchased two days  
8 earlier you sold for those 48-hour period in the high  
9 speed chase?

10 A. Yes.

11 Q. 137 grams was an additional amount that you  
12 went out and purchased?

13 A. Yes.

14 Q. So make sure I have my dates right. The  
15 100 grams you purchased two days prior, would that  
16 have been on March 7th, 2017?

17 A. March 6th, probably.

18 Q. March 6th of 2017?

19 A. Yes.

20 Q. And so, you don't start dealing  
21 quarter-pound quantities of methamphetamine. How  
22 much does that cost, if you were to go out on the  
23 street and buy a quarter pound of meth?

24 MR. STANFORD: Object to form.

25 THE WITNESS: Roughly \$1,000.

1 BY MR. HOSS:

2 Q. Thousand bucks is that how much you paid  
3 for it?

4 A. Something like that. Yes.

5 Q. Something like that. Okay. But you don't  
6 start dealing with quarter-pound quantities, right?  
7 You start with much lower amounts?

8 MR. STANFORD: Object to form.

9 MR. HOSS: He's preserving his -- so we've  
10 agreed -- this is for purposes of the record. We've  
11 agreed that -- that either party can -- this is for  
12 the other attorneys too, object to form and then  
13 we'll deal with the specific basis of the objection  
14 and present that to the court later on, if that  
15 becomes an issue.

16 BY MR. HOSS:

17 Q. But you can answer that question.

18 A. I -- I started -- I started dealing in  
19 about quarter pounds.

20 Q. You just started at quarter-pound  
21 quantities?

22 A. Yes.

23 Q. So from March -- March 6th, March 7th, that  
24 purchase, that's the first time you ever bought a  
25 quarter pound?

1 A. No.

2 Q. Okay. When did you start dealing  
3 methamphetamine?

4 A. Probably 2012.

5 Q. Okay. And so, you started with  
6 quarter-pound quantities?

7 A. Yes.

8 Q. How often were you selling quarter-pound  
9 quantities?

10 A. About one a day.

11 Q. One per day. How many days a week?

12 A. Seven.

13 Q. Seven days per week. How many weeks per  
14 year?

15 A. 52.

16 Q. So you sold a quarter pound every day since  
17 2012?

18 A. Close to it.

19 Q. That led up until the high speed chase?

20 A. Yes.

21 Q. And if you're buying them for \$1,000, what  
22 are you selling them for?

23 A. About 1800.

24 Q. So you're making \$800 every day?

25 A. Roughly.



1 Q. I think when you -- in the high speed  
2 chase, there was amounts of marijuana found in the  
3 truck too, in the car?

4 A. There was actually a pound of marijuana in  
5 that car, so I don't know where they only come up  
6 with an ounce.

7 Q. Have you seen any police reports?

8 A. Yes.

9 Q. Or let me rephrase that, just so it reads  
10 better.

11 Have you seen any crime lab reports that --  
12 that measured how much marijuana was found in your  
13 car?

14 A. No, sir.

15 Q. Okay. You've seen reports?

16 A. The only -- the only report of a custody of  
17 evidence that I've seen was for the two guns. I  
18 haven't seen the chain of evidence on the  
19 methamphetamine, the marijuana, only the guns. My  
20 cell phones, nothing that was actually taken in  
21 evidence have I seen the evidence report.

22 Q. Well, you pled guilty. You didn't have a  
23 trial, right?

24 A. Right.

25 Q. So you kind of waived the right to see --

1 actually see and inspect that type of evidence?

2 A. Yes.

3 Q. Correct?

4 A. I mean, the rest of it was in the -- my  
5 discovery, so I didn't understand why the  
6 methamphetamine or marijuana, none of that was.

7 Q. Okay. Let me ask you this: Was the  
8 methamphetamine, was it ice?

9 A. Yes.

10 Q. So the purity level was 97, 98, 99 percent?

11 A. Yes.

12 Q. Did you ever get from the DEA a report  
13 showing the purity level?

14 A. Yes.

15 Q. What was it?

16 A. 97 percent.

17 Q. So the 137 grams found in your vehicle was  
18 97 percent pure methamphetamine?

19 A. Yes.

20 Q. Which the federal calls ice, correct?

21 A. Yes.

22 Q. Okay. So back to the marijuana. It's your  
23 testimony that on the -- on the high speed chase,  
24 there was a pound of marijuana in the car?

25 A. Yes, sir.

1 Q. Which is 454 grams thereabouts  
2 approximately?

3 A. Yes.

4 Q. And where did you get that marijuana?

5 A. From -- from a friend.

6 Q. From a friend?

7 A. Yeah.

8 Q. Friend have a name?

9 A. No.

10 Q. He does not?

11 A. No.

12 Q. You don't want to tell us who you got the  
13 marijuana from?

14 A. No. That's irrelevant to all that.

15 Q. Well, when did you pick up the marijuana?

16 A. Same day, same time when I got the quarter  
17 pound.

18 Q. We've asked you under oath or some of these  
19 good lawyers have asked you under oath what all you  
20 did that day, and you've provided us answers. And  
21 none of it includes going to my friend to get the  
22 pound of weed. And so I just wondered why that --

23 A. It was when I acquired the meth.

24 Q. Okay. So back to the amount of meth, it's  
25 your testimony it was a pound of weed?

1 A. Yes.

2 Q. Okay. What did you pay for it?

3 A. 600 bucks.

4 Q. Okay. Around 600 bucks?

5 A. Yeah 650. 600, 650.

6 Q. You don't have an exact amount?

7 A. No.

8 Q. Okay. And you purchased it that same day?

9 A. Yes. Same time as the meth.

10 Q. Okay. And what was -- how was it packaged?

11 A. It was in Ziploc bag.

12 Q. A single Ziploc --

13 A. Yeah. One big Ziploc bag.

14 Q. Did you put that in -- was that in a  
15 backpack?

16 A. It was in the backpack where they found the  
17 -- in the police report it states the meth was found  
18 rolled up in two green bandanas, and that's where the  
19 meth was at. The meth was in the car. The marijuana  
20 was in the backpack with the meth. The one gun was  
21 in the console, and one was in the floorboard.

22 Q. Okay. In the floorboard?

23 A. Uh-huh.

24 Q. Of the vehicle?

25 A. Uh-huh.

1 Q. Okay. But back to the -- back to the  
2 marijuana. So you've seen reports that there was, I  
3 think, an ounce of marijuana found?

4 A. No.

5 Q. Did you see that?

6 A. I haven't seen reports of any marijuana  
7 being found.

8 Q. Okay. Let me -- let me make sure I  
9 understand. Are you claiming the police stole some  
10 of your drugs?

11 A. No. I'm just --

12 MR. STANFORD: Object to form.

13 THE WITNESS: I'm just saying that I  
14 haven't seen where it says anything about the  
15 marijuana.

16 BY MR. HOSS:

17 Q. I can totally be mistaken. I thought I  
18 read where they said it was an ounce of marijuana,  
19 then you said it was a pound.

20 A. Yeah. It was.

21 Q. And I could be mistaken. I don't want to  
22 mislead you.

23 A. I had a pound of marijuana in the car.

24 Q. But you -- I guess my question is: Are you  
25 accusing the police of stealing some of your drugs?

1           A.     No. No. I'm not accusing them of stealing  
2 nothing.

3           Q.     Okay. All right. I misunderstood. I  
4 apologize. So besides the meth and the marijuana,  
5 any other drugs in the car?

6           A.     No, sir.

7           Q.     All right. So let's talk about that event,  
8 okay. March 9th, 2017, let me do this first. These  
9 are what's been marked Exhibit 2, 3, and 4.

10                (Exhibit Numbers 2, 3, and 4 marked for  
11 identification.)

12 BY MR. HOSS:

13           Q.     Take a look at those. Exhibit 2 is  
14 Sergeant Carson's request for admissions. Exhibit 3,  
15 for the record, is Anthony Lawson's first  
16 interrogatories to you, Mr. Koger, and your  
17 responses. And Exhibit 4 is Floyd Davis and Bagley's  
18 interrogatories you, Mr. Koger, and your responses.

19                So just take a look at those and make sure  
20 that those are, in fact, your answers.

21           MR. STANFORD: If we could go off the  
22 record while he's doing that?

23                (A short break was had.)

24 BY MR. HOSS:

25           Q.     So Mr. Koger, I've showed you the exhibits

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 67

1 that I just enumerated. Can you identify those as  
2 your interrogatory responses?

3 A. Yes, sir.

4 Q. Okay. And are those, in fact, your  
5 responses?

6 A. Yes, sir.

7 Q. As I understand it, your attorney came, met  
8 with you. You guys discussed your answers. He went  
9 back to his office, typed them in. Now you've  
10 reviewed them. Are those, in fact, true and  
11 accurate?

12 A. Yes, sir.

13 Q. Okay.

14 MR. STANFORD: I want to say one thing.  
15 With respect to Defendant Cook's interrogatories and  
16 requests for production, we did not review those  
17 personally because I did not have those the last time  
18 I was here.

19 MR. HOSS: And Cook's aren't listed here.

20 MR. STANFORD: I just want to make that  
21 clear.

22 MR. HOSS: We -- we were -- we move for  
23 Exhibits 2, 3, and 4 to be admitted.

24 BY MR. HOSS:

25 Q. All right. Let's talk about -- talk about

1 that date -- I don't mean to confuse you between  
2 March 8th and March 9th. Correct me if I'm wrong,  
3 you were blue lighted pretty close to midnight?

4 A. Give or take.

5 Q. That would have been sometime March  
6 the 8th?

7 A. Yes.

8 Q. And then the high speed chase went after  
9 midnight, and then you crashed soon there after in --  
10 in the early morning hours of March 9th; is that  
11 correct?

12 A. Yes.

13 Q. So this -- this high speed chase that we  
14 talked about started on March 8th and ended on  
15 March 9th?

16 A. Yes. What -- the -- the crash, there  
17 wasn't a crash. I ran out of gas.

18 Q. Okay.

19 A. I never crashed anything --

20 Q. Okay.

21 A. -- until the car came to a stop and a  
22 police cruiser hit me in the rear end. That's the  
23 only -- that's the only crash there was, when they  
24 rear ended me.

25 Q. Okay. Well, I want you to tell us what



1 happened in your own words. So let's just start with  
2 -- and I think you're asked if one of those  
3 interrogatories about -- take us for 48 hours that  
4 led up until that moment at the high speed chase  
5 started, take us through what you did the couple days  
6 leading up to it.

7 A. Picked up some meth and -- that quarter  
8 pound of meth, took it to Knoxville with my oldest  
9 daughter's mom. Sold the meth, hung out there  
10 overnight. Come back to Chattanooga, got a hotel  
11 room. Went and visited my daughter, Cheyenne. She  
12 ended up coming back with me and Robin to the hotel  
13 room.

14 I have a friend that was killed in Bradley  
15 County dump and I had took possession of some of his  
16 belongings and some of them come up stolen from me.  
17 A friend of my acquired his tattoo gun. He was a  
18 tattoo artist. Had acquired his tattoo guns. She  
19 called me to come over there and pick up the tattoo  
20 guns.

21 I pull out of the hotel parking lot. I get  
22 over close to Silverdale, get blue lighted. I go to  
23 pull into a gas station parking lot like I'm going to  
24 pull over, and then I gun it, whip it around the  
25 parking lot. Drive into Georgia.

1 I get -- he pit maneuvered me at one point.  
2 I got car the restarted, kept driving. Got into  
3 Georgia. They laid spike strips. I went around  
4 spike strips, come back to where that road is. And  
5 right there at Gates Road, I run out of gas and my  
6 tire hit the -- the little enbunkment [sic] thing  
7 they had the street light on. It bumped over that  
8 and then pulled up to the bridge.

9 And they started screaming, get out of the  
10 car, get out of the car. I put my hands out the  
11 window. They come running up. I kind of pull my  
12 hands back in. They pulled me on the ground,  
13 handcuffed me. And really I don't remember a lot  
14 once I got kicked in the head. I kind of blanked  
15 out.

16 I remember waking up in the hospital  
17 feeling my face, and he told me to get my hand away  
18 from my face, so I got my hand away from my face. He  
19 said I was stitched up. That's that was it.

20 Q. Okay. There's a lot there. Let me unpack  
21 this thing. Okay.

22 So started with that you took a quarter  
23 pound of meth to Knoxville with who?

24 A. Robin Johnson.

25 Q. And Robin is?

1 A. Cheyenne's mother.

2 Q. Cheyenne's mother?

3 A. Yes.

4 Q. So this would have been on what day?

5 A. 7th. The 7th.

6 Q. Okay. So you drove up on the day on  
7 March 7th?

8 A. Stayed the night.

9 Q. Stayed the night in Knoxville?

10 A. Yes.

11 Q. And Robin was with you?

12 A. Yes.

13 Q. What car were you driving?

14 A. We were driving Hyundai Elantra.

15 Q. Whose car was that?

16 A. It was George Sprague's car, Rob's father.  
17 Also deceased.

18 Q. Do you remember which hotel you and Robin  
19 stayed at in Knoxville?

20 A. It was a Holiday Inn Express.

21 Q. Do you remember which exit?

22 A. No.

23 Q. And your -- you had picked up the quarter  
24 pound of meth, I guess, from your source?

25 A. Yes.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 72

1 Q. And picked it up where?

2 A. In Atlanta on the 6th.

3 Q. You testified earlier that you're doing  
4 this daily, so you're driving to Atlanta every day,  
5 picking up quater pounds and bringing them back?

6 A. Not necessarily all the way. I mean, he  
7 would meet me sometimes.

8 Q. Sometimes you meet in the middle?

9 A. Yeah.

10 Q. And then you went up and sold it to you  
11 customer up in Knoxville?

12 A. Yes.

13 Q. And how much did you sell it for?

14 A. 1800.

15 Q. How much did you -- had you bought it for  
16 from your source in Atlanta?

17 A. Thousand.

18 Q. Okay. And you and Robin spent the night in  
19 the Holiday Inn Express. Are you using meth?

20 A. Not previous -- not until -- I probably  
21 hadn't used the two days prior to that. I don't -- I  
22 am not a meth addict. I'm a meth dealer. That was  
23 my problem with it.

24 MS. MAINE: I'm sorry, can you say that --

25 THE WITNESS: I'm not a meth addict. I was

1 a meth dealer.

2 BY MR. HOSS:

3 Q. So the last time you had done meth before  
4 that March 7th date, let me -- for her, let me just  
5 finish asking the questions.

6 You think it was about 48 hours before  
7 that, so would that have put us around March 5th?

8 A. Yeah. Late March 5th, early March 6th.

9 Q. So sometime on March 5th, March 6th you  
10 used meth?

11 A. Yes.

12 Q. Okay. And when you use it, how do you use  
13 it?

14 A. Snort it.

15 Q. I don't know if you smoked it, but  
16 typically snort it?

17 A. Yes.

18 Q. And so what was your methamphetamine habit?  
19 How often were you using?

20 A. Really, not a lot at all. If -- maybe once  
21 a week.

22 Q. When you use it, how much are you using?

23 A. Quarter gram at a time.

24 Q. You just do it once? You do it more than  
25 once?

1 A. Just once.

2 Q. Why?

3 A. Really to test the product that I'm giving  
4 to other people.

5 Q. And you can do that and not get addicted to  
6 it?

7 A. I've never had a meth addiction really.

8 Q. You're doing it once a week? How long --  
9 how old were when you first did meth?

10 A. Probably 17, 18.

11 Q. And I'm assuming your use got worse the  
12 older you got; is that accurate?

13 MR. STANFORD: Object to form.

14 THE WITNESS: Not really. Really, slowed  
15 down. I mean, when I was younger I did more of it.  
16 I probably did a gram a week or so, and I did more of  
17 it. But then the older I got, it's kind of like  
18 drinking before you're 21. You know, it has a thrill  
19 to it when you're drinking before you're 21. But  
20 once you're 21, it didn't really -- it wasn't as fun  
21 because there wasn't a risk of getting caught doing  
22 anything.

23 BY MR. HOSS:

24 Q. I got you.

25 A. The older I got, it just kind of -- I

1 realized it was more of a money-making thing than it  
2 was a -- than it was a personal-use thing.

3 Q. So if we were to accurately describe your  
4 methamphetamine usage the week that this happened,  
5 you -- you were using it on a weekly basis. How long  
6 had you been using it on a weekly basis?

7 A. Every week.

8 Q. For how long? A year? Two years? More  
9 than that? Ever since you started selling in 2012?

10 A. Probably two years.

11 Q. For the -- so for the last two years that  
12 led up to the high speed chase --

13 A. Yeah.

14 Q. -- you were using meth weekly?

15 A. Yeah.

16 Q. About a quarter gram at a time?

17 A. Yeah. I really -- I smoked more weed than  
18 I did anything.

19 Q. That was going to be my next question.

20 A. I smoked way more weed out there than I did  
21 anything.

22 Q. How often were you smoking weed?

23 A. Every day.

24 Q. And how -- how were you smoking -- how much  
25 weed are you smoking every day?

1 A. Probably 15 grams.

2 Q. You did that every day?

3 A. Yes.

4 Q. Besides meth and marijuana, anything else  
5 that you're using? You using any pills?

6 A. Xanax occasionally.

7 Q. How often are you using Xanax?

8 A. Once a month or so.

9 Q. Any -- how -- how much time before this  
10 high speed chase had you used Xanax?

11 A. Weeks. Two or three weeks.

12 Q. Okay. What else? What other drugs?

13 A. That's it.

14 Q. Xanax, meth, weed. Are you drinking  
15 alcohol?

16 A. No.

17 Q. So back to Knoxville?

18 A. Yeah.

19 Q. Night of March 7th, we're at a hotel room  
20 and it's you and Robin, correct?

21 A. Yeah.

22 Q. What happens after that? Are you -- is  
23 Robin using?

24 A. Yes.

25 Q. All right. How often is she using?



1 A. She's a daily user.

2 Q. Of what?

3 A. Meth and heroin.

4 Q. Meth and heroin. Does she have heroin on  
5 her?

6 A. No. Not that I -- I won't have -- won't be  
7 around opiates. I'm scared to death of opiates. I'm  
8 -- I'm not going to wake up and find a dead body  
9 anywhere near me. That's just --

10 Q. Okay. Robin is the mother of your child?

11 A. The only reason she was with me is because  
12 she had an active warrant and she called me. She  
13 called me early on the 7th and asked me if I could  
14 come pick her up because the police were looking for  
15 her. And honestly, it had been probably five years  
16 since I had talked to her before that day.

17 But she had the active warrant. I said  
18 yeah, I'll come pick you up. If it means you're not  
19 going to get arrested, I'll come get you. I'll take  
20 you to where Cheyenne is at and you can just hang out  
21 with Cheyenne and do whatever you got to do.

22 Q. You did more than that? You took her to  
23 Knoxville?

24 A. Yeah. I told her, I said I've got  
25 something I've got to do right after I pick you up.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 78

1 I've got something I've got to do and then I'll take  
2 you up there.

3 Well, ended up being an overnight situation  
4 because the people couldn't get their money together  
5 and -- for the meth. They couldn't get their money  
6 together.

7 Q. The Knoxville customers?

8 A. Yes. So I said, I'll stay here until you  
9 get your money right. And if that's before morning,  
10 I can't wait any longer. I've got to go back to  
11 Chattanooga. They ended up getting their money  
12 right.

13 Me and her took off. We left from there,  
14 took off back down here. I said, look, I'm going to  
15 get this hotel room. Because I didn't have ID at the  
16 time. I said let me use your ID to get this hotel  
17 room. She said okay. So I got the hotel room in her  
18 ID, in her name.

19 And then Cheyenne was -- Cheyenne was at my  
20 sister's and she said, well, I don't -- I don't want  
21 to stay up here and Aunt Mandy's no more so you care  
22 if I go back with y'all. Well, I was going to leave  
23 your mom with you. I was going to ditch her off on  
24 you, but I guess, whatever, come on, get in the car.

25 And we went back. That friend of mine was

1 talking about those two tattoo guns and I went to go  
2 pick them up and tragedy truck.

3 Q. All right. So tragedy didn't strike,  
4 right? You took off?

5 MR. STANFORD: Object to form.

6 BY MR. HOSS:

7 Q. I mean, tragedy -- what -- what did you  
8 mean by tragedy struck?

9 A. I got blue lighted. Tragedy struck.

10 Q. Okay. Back to Robin. And she's a daily  
11 user of methamphetamine. How is she using it?  
12 Smoking it or snorting it?

13 A. She's a needle junkie.

14 Q. She's a needle junkie, so she's injecting  
15 it? I mean, is she injecting it as you're driving up  
16 to Knoxville?

17 A. No.

18 Q. Was she injecting it in the hotel room?

19 A. No. I wasn't -- she was having to snort it  
20 the way I was doing it. On the regular she was using  
21 needles.

22 Q. She was snorting methamphetamine?

23 A. Yeah.

24 Q. As you're going to Knoxville?

25 A. No. Just once we got there.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 80

1 Q. Once you got to the hotel in Knoxville?

2 A. Yeah.

3 Q. Then you get up the next morning, you drive  
4 back to Chattanooga?

5 A. Yes.

6 Q. This is morning of March the 8th?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes.

10 Q. Okay. So take me through that day. What  
11 time did you arrive back in Chattanooga?

12 A. Probably 8:00 o'clock in the morning, 8:30.

13 Q. Then where's the first place you went to?

14 A. The hotel. Went ahead and paid for the  
15 hotel.

16 Q. Which hotel?

17 A. It was -- used to be the Roadway Inn off  
18 south -- south of the Jaguar dealership.

19 Q. There's mention of a Jaguar dealership. So  
20 where's the Jaguar dealership?

21 A. Right off the exit. You got like --

22 Q. Is that the East Brainerd Road exit?

23 A. No. The Bonny Oaks -- Bonny Oaks  
24 Shallowford Road exit, the Bonny Oaks -- Bonny Oaks  
25 and the highway.

1 Q. 153 and Lee highway, right, all those car  
2 dealerships?

3 A. It's one dealership right there. You got  
4 the Northern Tools exit. Northern Tools is right --

5 Q. I know exactly where you're talking about.  
6 What's your best recollection of the name of that  
7 exit, for the record?

8 A. Exhibit 7A.

9 Q. 7A, which is what crossroads and 153?

10 A. That's, what, Lee Highway? Because all I  
11 know is Summit goes the other way. I'm -- I'm really  
12 from Georgia. I'm not -- exit 7A come back around,  
13 you go to Summit and then right there is -- I've  
14 never -- I've never really much further down that  
15 straightaway road passed there, so I guess that's  
16 what you're talking about, 153.

17 Q. No. That's a Bonny Oaks.

18 A. That's Bonny Oaks.

19 Q. That takes you down --

20 A. Then Lee Highway. That's old Lee Highway.

21 Q. There's old Lee Highway and then --

22 A. That's Lee Highway that was I was on.

23 Q. Okay.

24 A. And goes old Lee Highway is go into Summit,  
25 correct?

1 Q. There's a -- there's a Roadway Inn off that  
2 exit?

3 A. Yes. Right there besides -- right beside  
4 the car dealership, the Jaguar dealership.

5 Q. Did you use Robin's name and ID to get a  
6 hotel room there too?

7 A. Yes. That's -- that's when I'm talking  
8 about using her name and ID.

9 Q. Why are you using a woman's name and ID?

10 A. I didn't have an ID.

11 Q. You didn't have an ID?

12 A. Yeah. I didn't have an ID.

13 Q. So you didn't have a valid driver's  
14 license?

15 A. No.

16 Q. Had it been suspended?

17 A. Yes.

18 Q. Why was it suspended?

19 A. Because I didn't go to court over that  
20 thing in Georgia that I had fine of \$662.

21 Q. Okay. So the state of Georgia had  
22 suspended your driver's license?

23 A. Yes.

24 Q. And you knew that?

25 A. Yes.

1 Q. All right. You also had outstanding  
2 warrants from Whitfield County?

3 A. Yes.

4 Q. And Hamilton County, right?

5 A. I didn't know I had them in Hamilton  
6 County. I knew I had them in Whitfield.

7 Q. Because you led police on a high speed  
8 chase in Whitfield County several weeks earlier,  
9 right?

10 A. I plead the Fifth.

11 Q. You plead the Fifth on?

12 A. On the Whitfield County.

13 Q. On the Whitfield County high speed chase?

14 A. Yes.

15 Q. Did you know on March 7th that you had  
16 warrants out in other counties?

17 A. Yes.

18 Q. Okay.

19 A. I thought Catoosa was the county I had that  
20 warrant out in.

21 Q. But you learned later on it was Whitfield?

22 A. Yes.

23 Q. And just don't want to talk about that  
24 Whitfield County high speed chase, right?

25 A. Correct.

1 Q. So. You get to that Roadway Inn, right,  
2 with Robin?

3 A. Yes.

4 Q. And then what do you do next?

5 A. I go to take the car back to George's  
6 house. And I told him, I said, hey, there's a Camero  
7 right up here up the street at the car lot. Do you  
8 mind if I use your car for another few minutes, go up  
9 here, buy this Camero. Sure, go ahead.

10 Q. Do you have a cell phone?

11 A. Yes.

12 Q. How are you communicating with George? Is  
13 this in person?

14 A. Yeah. That was in person.

15 Q. Okay.

16 A. Went to his house showed him, here, I'm  
17 here with your vehicle. I'm not taking your vehicle,  
18 your car. Do you mind if I take it for another few  
19 minutes, because he lived in Rossville. I'll be  
20 right back, come back. I went and bought the car. I  
21 put -- because I didn't have a license, I put the car  
22 in Robin's name.

23 Q. Was Robin with you?

24 A. Yes.

25 Q. When was with you when you purchased the --



1 A. When I bought the Camero, yes.

2 Q. Which auto dealership?

3 A. It's directly across -- I forget the name  
4 of it. It's directly across from the Hardy's in  
5 Rossville.

6 Q. Okay.

7 A. You got the -- right here is your -- was it  
8 the post office, come down. Right there's the  
9 Hardy's right behind the post office. There's a  
10 little car dealership, just rinky dink.

11 Q. What kind of -- what year?

12 A. The '94 Chevy Camero.

13 Q. How much did you pay for it?

14 A. \$3,000.

15 Q. And you got that money from?

16 A. Drug proceeds.

17 Q. Okay. And you put that -- that car in  
18 Robin's name?

19 A. Yes.

20 Q. Right. So she had the only valid license?

21 A. Yes.

22 Q. Okay. What did you do next?

23 A. Took George's car back, went back to the  
24 hotel, changed clothes. We went to Cheyenne's and  
25 got her.

1 Q. Where is Cheyenne located?

2 A. At my sister's.

3 Q. And she lives in?

4 A. Mentone, Georgia. Up on -- close to  
5 Lookout up there.

6 Q. So you took the new --

7 A. The Camero up there.

8 Q. -- Camero up there to pick up your  
9 daughter?

10 A. Yes.

11 Q. Which is a the long ride, right?

12 A. Yes.

13 Q. How long did it take you to get there and  
14 back?

15 A. Hour and a half.

16 Q. Okay.

17 A. 45 minutes each way, something like that.

18 Q. Okay.

19 A. Got her, shot the guns for a while, while I  
20 was up there.

21 Q. Shot what guns?

22 A. The two guns they found in the vehicle.

23 Q. Okay. Which were what?

24 A. The Walter .22 and the 40 cal.

25 Q. Where did you get those guns? Or had they

1 been in your car when you went to Knoxville?

2 A. They had already been -- they went  
3 everywhere with me.

4 Q. You always carried two guns?

5 A. Sometimes more than that.

6 Q. Okay. But those -- the .22 and the 40  
7 caliber, these were pistols, right?

8 A. Yes.

9 Q. And they had gone up with you to Knoxville?

10 A. Yes.

11 Q. And then you're down in Mentone, Georgia  
12 picking up Cheyenne, you decide to shoot them at her  
13 house?

14 A. Sister's got a lot of land, not a lot of  
15 neighbors around. We target shoot up there all the  
16 time.

17 Q. Okay.

18 A. Just target shooting. I let Cheyenne shoot  
19 the .22 and all. Then we come back to the hotel.  
20 We're in there -- we were at my sisters's a couple  
21 hours hanging out, but say driving time, it was hour  
22 30-minute drive. We hung out for about an hour, two  
23 hours, shot guns, ate dinner. Come back to the  
24 hotel.

25 Q. What time did you arrive at the hotel?

1 A. We weren't there long before I got the call  
2 about the tattoo guns.

3 Q. But you were at the hotel when someone  
4 called you about the tattoo guns?

5 A. Yes.

6 Q. Okay.

7 A. And then --

8 Q. What's your best estimate for the time when  
9 you got back from Mentone, Georgia?

10 A. 9:45.

11 Q. P.m.?

12 A. Yeah.

13 Q. Okay.

14 A. And then --

15 Q. So let me ask you this: At that point in  
16 the day, had Robin done meth?

17 A. Yes.

18 Q. Okay. How is she -- where is she snorting?

19 A. She did it at the hotel room before we ever  
20 left. I never had meth out around my daughter or  
21 anything. She knows what I did. She knows I sold  
22 meth and all that, but I've never took it around my  
23 children or anything like that. So that's why I --  
24 it stayed -- when Cheyenne come to the hotel room,  
25 the meth went to the car with me. And I -- I said,

1 I'm going to put this in the car. I got something I  
2 got to go do. I got a call about the tattoo guns. I  
3 was actually going to leave the meth with the person  
4 that called me about the tattoo guns and - and the  
5 weed. And I told her, I said, I'm on my way over  
6 there. I pull out --

7 Q. Hold on. So at this time, March of 2017,  
8 Cheyenne is 16, 15?

9 A. 16.

10 Q. She's 16?

11 A. Uh-huh.

12 Q. And so, you bring her back to the Roadway  
13 Inn in a vehicle that's got your two guns in it,  
14 right?

15 A. Yes.

16 Q. And you -- the meth is on you at this  
17 point?

18 A. No.

19 Q. You've not picked up the meth and marijuana  
20 at this point?

21 A. No. I had the meth and marijuana, but I  
22 left them in the hotel room.

23 Q. Where did you pick those up?

24 A. From Mike, Big Mike.

25 Q. Where is that?

1 A. He met me at the car dealership.

2 Q. Okay. You left that part out. So who is  
3 Big Mike?

4 A. Yeah.

5 Q. Is that Mike and your -- in your --

6 A. Yeah.

7 Q. -- indictment?

8 A. Yeah.

9 Q. Mike Glass?

10 A. Yeah.

11 Q. And his name is on the indictment as Big  
12 Mike?

13 A. Right.

14 Q. So you met Big Mike at the car dealership  
15 on Rossville Boulevard?

16 A. Yeah. And he's the one -- he brought me  
17 \$2,000 of the \$3,000 I put on the car.

18 Q. Okay. Drug payment?

19 A. Yeah.

20 Q. And he gave you a quarter pound of meth?

21 A. Yeah.

22 Q. And how much marijuana?

23 A. A pound.

24 Q. And what did he charge you for that?

25 A. He wasn't paid for it.

1 Q. So he's fronting dope to you, right?

2 A. Yeah.

3 Q. And did he front the meth too?

4 A. Yes.

5 Q. So you leave -- when you leave the car  
6 dealership with the drugs --

7 A. I went back to the hotel, took a shower,  
8 then we went up there.

9 Q. You put the drugs in the hotel?

10 A. Yes.

11 Q. Took the guns with you?

12 A. Yes.

13 Q. In the Camero to your sister's?

14 A. Yes.

15 Q. Picked up Cheyenne?

16 A. Yes.

17 Q. Brought -- came back to the Roadway Inn?

18 A. Yes.

19 Q. And then put the drugs from the Roadway Inn  
20 back in the car?

21 A. Yes.

22 Q. Is your testimony?

23 A. Yes.

24 Q. Okay. What happened next?

25 A. I got the text message about the tattoo

1 guns and took off.

2 Q. Who texted you that?

3 A. Danielle.

4 Q. Danielle?

5 A. Steele.

6 Q. Steele?

7 A. S-T-E-E-L-E -- E-E-L-E.

8 Q. And I think you mentioned earlier the  
9 tattoo guns belonged to some friend of yours that  
10 passed away?

11 A. Yes.

12 Q. Who was that?

13 A. Jeremy Headly.

14 Q. Headlin?

15 A. Headly.

16 Q. And what did she tell you in the text  
17 message?

18 A. She just sent me a text with some pictures.  
19 Hey, I've got Jeremy's tattoo guns. I said, just  
20 hang onto them, I'll be over there in a minute.

21 Q. So are you -- but you're not a tattoo  
22 artist?

23 A. No.

24 Q. Right?

25 A. It was just -- it was just to have them



1 because they were -- I said, they were my best  
2 friend's.

3 Q. Jeremy was your best friend?

4 A. Yes.

5 Q. This is sentimental?

6 A. Yes.

7 Q. Tattoo guns ever been used on you?

8 A. Yes.

9 Q. You've got a bunch of tattoos?

10 A. Yes.

11 Q. Jeremy had used these tattoo guns on you?

12 A. Yes.

13 Q. What are they worth?

14 A. I don't know. Like I said, I'm not a  
15 tattoo artist. I don't know their value.

16 Q. What are you -- what were you going --

17 A. Just keep them.

18 Q. You were just going to keep them? Were you  
19 going to sell them?

20 A. No.

21 Q. So you meet up with Danielle?

22 A. No.

23 Q. You never get there?

24 A. Never made it.

25 Q. But when you left the -- the motel, or the

1 Roadway Inn, excuse me, you left with your  
2 methamphetamine?

3 A. Marijuana.

4 Q. Your marijuana?

5 A. \$1,800 cash.

6 Q. \$1,800 cash?

7 A. And two guns.

8 Q. Your .22?

9 A. Yes.

10 Q. And your .40?

11 A. Yeah.

12 Q. Was there a third gun?

13 A. Yes.

14 Q. Okay. What kind of gun was that?

15 A. It's little Sig Sauer .380.

16 Q. Sig Sauer .380?

17 A. Yeah.

18 Q. Where did that gun come from?

19 A. He -- I keep it in my back pocket at all  
20 times. That's why I don't -- I don't know where the  
21 gun went in all this either because I had that gun  
22 with me. I always had that gun with me.

23 Q. So the .380 came up missing?

24 A. Yes.

25 Q. Is your testimony?

1           A.     Yes. I even told the ATF agents there was  
2 three guns in the car.

3           Q.     You mentioned before that it was your habit  
4 to -- to go armed?

5           A.     Yes.

6           Q.     Is that right?

7           A.     Yes.

8           Q.     Why is that?

9           A.     I'm just always carried guns.

10          Q.     You don't have a carry permit?

11          A.     No.

12          Q.     Right? You've never had a carry permit?

13          A.     No.

14          Q.     Do you have any training with guns?

15          A.     No.

16          Q.     You just like guns?

17          A.     Yes.

18          Q.     And you use the guns to protect your  
19 drug-dealing activities?

20          A.     Yes.

21          Q.     Right?

22          A.     Yes.

23          Q.     And if it's necessary, to pistol whip  
24 people from time to time?

25          A.     I have.

1 Q. Is that right?

2 A. I have.

3 Q. Okay. At -- where were you when you were  
4 blue lighted?

5 A. Standifer Gap Road is --

6 Q. Standifer Gap Road? Deputy Bennett lists  
7 the time at, like, 11:56 p.m., four minutes before  
8 midnight. Does that sound accurate?

9 A. Yes.

10 Q. Okay. And did you have valid registration  
11 on that car?

12 A. No. We still had the driver tag.

13 Q. So the tag wasn't registered, right?

14 A. It was registered to Robin's name. I mean,  
15 I just got the car that day. Still had the drive  
16 tag.

17 Q. Did you know there was a headlight out?

18 A. No.

19 Q. You didn't?

20 A. No.

21 Q. Okay. Do you contest that? Do you contest  
22 why he blue lighted you? He didn't have a reason to  
23 blue light you?

24 A. No.

25 Q. And then what did you do?

1 A. Pulled into the gas station like I was  
2 going to pull over, and then peeled out.

3 Q. So you agree that you slowed down to almost  
4 stopping in this gas station; is that right?

5 A. Yes.

6 Q. Is that a Mapco?

7 A. I'm not sure what it is right there. I  
8 mean --

9 Q. Could have been?

10 A. Could have been. Yeah.

11 Q. All right. So you almost stopped in the  
12 gas station. You were trying to deceive the officer  
13 to -- for him to think that you might be stopping?

14 A. Yes.

15 Q. All right. And then what did you do?

16 A. Took off.

17 Q. And what direction did you go?

18 A. I want to say back towards Igou Gap.

19 Q. Okay.

20 A. Whipped around the gas station, come back  
21 out, come back towards Igou Gap, come back down  
22 towards Banks Road.

23 Q. The officer said you went down Banks Road,  
24 if that helps. Do you recall going down Banks Road?

25 A. Yeah. Banks -- then Banks took me to right

1 there in Graysville, or so.

2 Q. Get on East Brainerd Road first?

3 A. Went down East Brainerd Road to Graysville,  
4 went over the railroad tracks, went down.

5 Q. How fast were you going?

6 A. Probably 90 miles per hour.

7 Q. The -- what kind of engine is in that white  
8 Camero?

9 A. LS1.

10 Q. LS -- I don't know much about engines.  
11 What does that mean?

12 A. It's a -- it's a Corvette racing motor.

13 Q. So --

14 A. I bought the car just for the motor. I  
15 didn't care about the body. I didn't care about the  
16 rest of the car. I just wanted the motor out of the  
17 car.

18 Q. Bad ass motor?

19 A. Yes.

20 Q. Okay. The officer, Deputy Bennett,  
21 estimates that you reached speeds of 90 miles per  
22 hour on Banks Road?

23 A. Yes.

24 Q. Would you dispute that at all?

25 A. No.

1 Q. Then it said -- it said right before Banks  
2 Road comes into East Brainerd Road, correct?

3 A. Yes.

4 Q. Right before that intersection, he says  
5 that you slowed down for him -- for him to -- to run  
6 into the rear of your car.

7 A. He wasn't that close behind -- he wasn't  
8 close enough behind me to run into the rear of my  
9 car.

10 Q. He wasn't?

11 A. No.

12 Q. So there was never an almost collision  
13 where he hit the back of your car?

14 A. No. The only reason I slowed down right  
15 there was the road, traffic coming down East Brainerd  
16 Road when I tried to turn on East Brainerd Road.

17 Q. Let me read to you what he writes and you  
18 tell me if it's accurate. Says, Vehicle reached  
19 speeds of 90 miles per hour on Banks which is 35 in  
20 most areas. The vehicle then allowed for my vehicle  
21 to gain ground on it at the East Brainerd Road  
22 intersection, then suddenly hit the brakes attempting  
23 to have my car hit his in the rear, or try to fake a  
24 turn to the eastbound lane of East Brainerd Road.

25 A. No. I was trying to get onto East Brainerd

1 Road, but there was traffic coming so I had -- had to  
2 brake.

3 Q. So you had to brake and you let the traffic  
4 go?

5 A. Yeah. I had to.

6 Q. So your testimony is that this is not --  
7 you had to brake, but it wasn't for this purpose?

8 A. Right.

9 Q. All right. So you turned onto East  
10 Brainerd Road and you head down to Graysville; is  
11 that right?

12 A. Yes.

13 Q. And there's people out driving around,  
14 right?

15 A. Yes.

16 Q. There's traffic?

17 A. Yes.

18 Q. And there's stoplights?

19 A. Yes.

20 Q. Are you running through stoplights?

21 A. I didn't caught a red.

22 Q. You got lucky and hit green lights?

23 A. Yes. And I turned down Graysville Road, I  
24 never -- there is no red lights on Graysville Road.

25 Q. Are you passing traffic?



1 A. Not really. It's 12:00 o'clock at night.  
2 There wasn't a whole lot of traffic.

3 Q. There was some?

4 A. Car here and car there.

5 Q. They -- they --

6 A. They see the blue lights coming behind me  
7 and they -- everybody was kind of pulled over.

8 Q. Okay. Turn on Graysville Road and then  
9 eventually there's some railroad tracks, right?

10 A. Where you cross back into Georgia.

11 Q. Cross back into Georgia. And you got down  
12 there, right?

13 A. Yeah.

14 Q. Then what happened?

15 A. When we went across the bridge, come up to  
16 -- there's a church.

17 Q. I'm trying to think of the name of the  
18 church. It's right across from the elementary  
19 school. Elementary school, car lot, church. I can't  
20 think of the name of the road. Starts with S. Took  
21 it.

22 Q. Is there a Dug Road? Is there a gravel  
23 rock -- you recall pulling into a gravel lot at Dug  
24 Road in Graysville?

25 A. No.

1 Q. Deputy -- tell you what Deputy Bennett  
2 writes and you tell if that --

3 A. Well, where we got spun out there's a  
4 gravel lot, but that was -- that was way after I went  
5 down this road.

6 Q. Okay. He says, Suspect vehicle was  
7 attempting to make a 180-degree turn, at which time I  
8 attempted to position my vehicle in an area to block  
9 him from continuing to maneuver the vehicle back out  
10 on the roadway. At this time, the suspect's vehicle  
11 accelerated, turn into my patrol car, hitting the  
12 front end?

13 A. That -- that was after I turned down the  
14 read I'm talking about.

15 Q. So we haven't gotten that far?

16 A. Yeah. We haven't got to the there yet.

17 Q. All right.

18 A. Turn down to there. Come back. I shot  
19 back, like, going on 41. I was on 41 highway from  
20 there. Head towards, like, Catoosa County jail.  
21 That's about -- probably where that Doug Road is.  
22 And then he spun me around. I wasn't trying to -- he  
23 spun me around, pit me, tried to pit maneuver me.

24 Q. In that gravel lot?

25 A. Yeah. The car -- the car died. I put it

1 back in neutral, cranked it back up and took off  
2 again.

3 Q. Hold on. So you ran into his car?

4 A. The front end, yeah, after he pit  
5 maneuvered me. I cranked the car back up. The cars  
6 clipped each other, like that.

7 Q. That happened -- that happened in the  
8 gravel lot because you pulled into the gravel lot?

9 A. Yeah. That's where he spun me out to.  
10 When the car spun out, it spun into the gravel lot.

11 Q. Okay. What happened next?

12 A. Come back up. Once it spun around, I  
13 stayed coming up back up the opposite way going to  
14 41, going to East Ridge. Took Cloud Springs Road and  
15 Clouds Springs Road, come up under the underpass.  
16 That's when we come by Dietz Road. Right there at  
17 Dietz Road I hit that little -- where the light pole  
18 is and jumped over that and ran out of gas and come  
19 to a stop.

20 Q. Deputy Bennett says that you tried to turn  
21 your vehicle at them again at Three Notch Road?

22 A. No.

23 Q. You deny that?

24 A. Yes.

25 Q. Says, you then drove into a yard at the

1 corner of 41 South and Three Notch Road?

2 A. That's -- that's the gravel lot where he  
3 spun me on. I was trying to come back on 41.

4 Q. Okay. So you're telling us that that's the  
5 same as the gravel lot?

6 A. Yes.

7 Q. Okay. You did see the spike strips on the  
8 road?

9 A. Yes.

10 Q. And you deliberately went around the spike  
11 strips?

12 A. Yes.

13 Q. How many times have you seen spike strips  
14 in your life?

15 A. Several.

16 Q. Several?

17 A. Yes.

18 Q. Several high speed chases?

19 A. Couple.

20 Q. Then so tell us eventually how your vehicle  
21 came to a stop.

22 A. Ran out of gas.

23 Q. So how fast were you going when your  
24 vehicle -- your vehicle collided with the median,  
25 right?

1 A. Yeah. With the curb.

2 Q. I'm sorry, with the what?

3 A. Like a culvert there with -- where the  
4 light pole -- just a little triangle where the light  
5 pole is.

6 Q. All right. I call a culvert like a ditch?

7 A. Yes. It's -- I hit that at 65 miles an  
8 hour.

9 Q. So you're going about 65 when the vehicle  
10 hit?

11 A. Uh-huh.

12 Q. Okay. There's an estimation of 70, but 65,  
13 70 was your estimated speed at the time you wrecked  
14 your car?

15 A. Uh-huh.

16 Q. Got to say --

17 A. I -- yeah. But I mean, I didn't wreck. I  
18 never wrecked the car. Like I say, I just ran out of  
19 gas. Never went airborne or anything like that. It  
20 didn't roll.

21 Q. Didn't it hit the median? Didn't the front  
22 of your car hit the median?

23 A. You're talking about the --

24 Q. The concrete median?

25 A. The concrete wall? No.

1 Q. It didn't?

2 A. Never.

3 Q. There was no damage to the front of your  
4 car?

5 A. No.

6 Q. From --

7 A. From that median, no. I never hit the  
8 median.

9 Q. So you hit a culvert going 65?

10 A. Yes.

11 Q. And then you're saying that you just ran  
12 out of gas and your car just slowed to a stop?

13 A. Yes.

14 Q. So --

15 A. And then I was rear ended by a patrol car.

16 Q. Okay.

17 A. The car -- my car is sitting like this on  
18 the bridge right there at Cloud Springs.

19 Q. Yes.

20 A. And I got rear ended by a patrol car and  
21 that -- that had pushed me in the median, but I never  
22 wrecked into the median.

23 Q. Did you stop the vehicle or did the officer  
24 stop the vehicle?

25 A. It run out of gas stopped the vehicle.

1 Q. Okay. And the position of your vehicle  
2 when it came to a rest, came to its final resting  
3 place, how would you describe that?

4 A. What do you mean?

5 Q. Okay. Bad question. I'll rephrase it.

6 Was the passenger side door of your car  
7 pinned up against a vehicle?

8 A. Yes.

9 Q. Okay. And the driver's side door, there  
10 was nothing pinned up against the driver's side door,  
11 correct?

12 A. No. There wasn't anything.

13 Q. Okay. What happened then?

14 A. Then I heard a lady officer -- heard a  
15 lady's voice say, put your hands out the car. I  
16 stuck my hands out the car.

17 Q. Okay.

18 A. A bunch of officers run toward the vehicle.  
19 I went to pull my hands back in the vehicle. They  
20 snatched the door open, pulled me out, put me on the  
21 ground, handcuffed me. I heard him say, His arms  
22 won't reach. They said double cuff him. They put  
23 two sets of handcuffs together and double cuffed me.  
24 And that's when I got kicked in the head and I don't  
25 remember nothing from there.

1 Q. Okay. All right. So let me make sure --  
2 let me make sure I understand this. Is -- when your  
3 car came to a rest --

4 A. Yes.

5 Q. Okay. You -- you had not been wearing your  
6 seatbelt, right? You were an unrestrained driver,  
7 right?

8 A. Yes. Yes.

9 Q. You put both your hands out the window?

10 A. Yes.

11 Q. And was anything in your hands at that  
12 time?

13 A. No.

14 Q. Did you throw anything out the window?

15 A. No.

16 Q. Did anything fly out of the window?

17 A. No.

18 Q. To your knowledge?

19 A. To my knowledge.

20 Q. So if the video showed a gun flying out the  
21 video -- excuse me, flying out the window --

22 A. You would have seen it.

23 Q. So if the video shows that, how would the  
24 gun have come to that been -- been thrown out the  
25 window?



1 MR. STANFORD: Object to form.

2 THE WITNESS: I didn't throw a gun out the  
3 window.

4 BY MR. HOSS:

5 Q. Okay.

6 A. You'd see a gun go flying.

7 Q. Okay. And so, you put your hands out?

8 A. Yes.

9 Q. Right?

10 A. Yes.

11 Q. You heard law enforcement give you verbal  
12 orders?

13 A. Yes.

14 Q. And what did those orders consist of?

15 A. Stick your hands out the window and, like I  
16 said, they run towards the vehicle.

17 Q. Did you hear anything else?

18 A. Get on your face. They pulled me out, put  
19 me on my face, double cuffed me. I got kicked in the  
20 head, and that's -- it went black from there.

21 Q. All right. So you said you put your hands  
22 out the window, but then you said you pulled them  
23 back in?

24 A. Yes.

25 Q. And you -- and you didn't reach down to

1 your right-hand side?

2 A. No.

3 Q. Or why -- why did you pull your hands back  
4 in the window?

5 A. Because I knew I was fixing to get snatched  
6 on the ground.

7 Q. So they told you to put your hands out the  
8 window?

9 A. Yeah. I never pulled my hands back toward  
10 -- towards the -- inside of the car until they were  
11 at the car.

12 Q. Okay. Well, you just said you pulled your  
13 hands back in?

14 A. Yeah. That's what I'm saying. When  
15 they -- they come towards the car, they were here at  
16 the door and I pulled my hands back like that. He  
17 opened the door and snatched me out.

18 Q. Okay. So it's your testimony that your  
19 hands were initially outside the car?

20 A. Yes.

21 Q. And you were following their orders that  
22 you heard?

23 A. Yes.

24 Q. Right? But then you pulled your hands back  
25 inside the car?

1 A. Yes.

2 Q. Right?

3 MR. STANFORD: Object to form.

4 BY MR. HOSS:

5 Q. And then they opened the door and pulled  
6 you out?

7 A. Yes.

8 Q. Okay. Do you know which officers pulled  
9 you out?

10 A. No.

11 Q. Do you know from which municipality or --

12 A. No.

13 Q. State trooper? Hamilton County, any of --  
14 do you know?

15 A. No.

16 Q. Can you describe those officers, their  
17 facial features, how tall they are, how big they are?

18 A. I -- I never looked -- looked to their  
19 face. All I seen was a body running at me. I seen a  
20 body running at me, pulled me down. And from that  
21 point on, I don't remember my head coming back up.

22 Q. So that's one person. You said a body. So  
23 did you --

24 A. The last -- the -- the thing I remember  
25 waking up -- the last person I remember seeing when I

1 woke is Greg Cross. And I knew who that was because  
2 he had warranted me before on the drug thing. That's  
3 the only reason I knew who Greg Cross was. And I  
4 woke --

5 Q. This is in this hospital?

6 A. Yes. Him and the doctor said, Don't touch  
7 your face. You got stitches there. I said, okay.  
8 And then I puts my hands back down and I was  
9 handcuffed to the bed.

10 Q. All right. So let me just make sure I --  
11 you said that you heard a woman's voice --

12 A. Yeah.

13 Q. -- saying, Show me your hands?

14 A. Yeah. A woman officer.

15 Q. Then you see a -- then you saw a body  
16 coming toward you?

17 A. Yeah. It was definitely a man.

18 Q. Was that a man?

19 A. Yes.

20 Q. And then how many officers pulled you out  
21 of the car?

22 A. Several.

23 Q. Okay. They all on the driver's side door?

24 A. Yes.

25 Q. Okay. And what did those officers do?

1 A. Put me on my face and double cuffed me.

2 Q. Did your face hit the ground?

3 A. Yes.

4 Q. Do you remember that?

5 A. Yeah.

6 Q. Okay. What happened?

7 A. I just remember my face hitting the ground  
8 and getting kicked in the head. I remember taking a  
9 steel-toed boot to my head.

10 Q. How many times were you kicked in the head?

11 A. Once that -- all I know.

12 Q. Okay. So you remember being thrown on the  
13 ground and kicked one time in the head?

14 A. Yeah.

15 Q. And then, from that point on, you said you  
16 lost consciousness?

17 A. I don't remember nothing from that point  
18 on.

19 Q. You don't remember anything from that point  
20 on?

21 A. Until I woke up in the hospital.

22 Q. So you have no memory from the point at  
23 which you're in custody and face down on the ground  
24 until you're in the hospital?

25 A. Correct.

1 Q. There's some indication that you were  
2 tased. Do you ever recall being tased?

3 A. No.

4 Q. Have you ever been tased before?

5 A. No.

6 Q. You didn't feel any electrical voltage or  
7 anything?

8 A. No. I've been electrocuted before, but I  
9 never -- being an electrician, but I never got tased.

10 Q. You got tased, but I don't know if it was a  
11 successful tase. There's different barbs and I don't  
12 know if it was a good contact with you so that you  
13 could have felt the electricity or not. But I didn't  
14 know if you felt anything going into your body like a  
15 tase or anything like that.

16 A. No.

17 Q. No? Okay. In -- have you seen pictures of  
18 your car?

19 A. No.

20 Q. Do you know if the front windshield was  
21 broken?

22 A. Before I had the wreck? Before I got  
23 pulled over?

24 Q. No. At the end of the wreck?

25 A. No.

1 Q. You don't know?

2 A. No.

3 Q. Do you know if the side window of your --  
4 the driver's side window was broken?

5 A. No. It wasn't.

6 Q. It was not?

7 A. No.

8 Q. How do you know that?

9 A. Because I remember -- I remember rolling it  
10 down before I stuck my hands out because I was going  
11 to try to throw the gun and shit out the car. I  
12 remember rolling the window down.

13 Q. Okay.

14 A. So the window was in the cavity.

15 Q. It was all the way down?

16 A. It was in the cavity of the door.

17 Q. You recall rolling the window all the way  
18 down?

19 A. Yeah.

20 Q. It was electric or --

21 A. Yeah. It was --

22 Q. So you bring your car to a rest. You hit  
23 --

24 A. No. No. That was before -- before I ever  
25 -- when I was moving -- in the chase, I was rolling

1 the window down to throw the shit out the car and I  
2 just never got to that point.

3 Q. Okay. So your window was rolled down  
4 somewhat before the car came to a stop?

5 A. Yeah. As far as I remember, the car window  
6 was all the way down.

7 Q. Okay. So you woke up in the hospital?

8 A. Yes.

9 Q. And you're at Centerstone?

10 A. Cornerstone.

11 Q. Excuse me, Cornerstone. And what happened  
12 then?

13 A. They gave me some morphine and I woke in  
14 Erlanger.

15 Q. Okay. Did the doctor at Centerstone tell  
16 you anything?

17 A. Nothing that I remember. He just said my  
18 testicle was swollen and he needed to send me  
19 somewhere else for treatment.

20 Q. Okay.

21 A. And then --

22 Q. That's what he said?

23 A. And then that's -- that's what I read. And  
24 they give me morphine. Like I said, I woke up in the

25 --



1 Q. That's what you read. So I'm -- I'm asking  
2 you what you remember was actually told to you. Do  
3 you remember anything that was actually told to  
4 you --

5 A. No. Just don't touch my face is all I  
6 remember.

7 Q. Let me -- let me state the full question so  
8 that we've got a -- we can read this back.

9 You don't recall anything a doctor or nurse  
10 told you while at Centerstone about your medical  
11 treatment of your injuries?

12 A. No. Other than, don't touch my face.  
13 That's it.

14 Q. And you do recall a Greg Cross being there  
15 when you woke?

16 A. Yeah. I remember Greg Cross being there  
17 because he was --

18 Q. How did --

19 A. He was searching my arm looking at my  
20 tattoos.

21 Q. And what tattoos do you have on your arms?

22 A. Mostly the Joker and things like that.

23 Q. What does that signify?

24 A. I just -- I'm a DC comics fan.

25 Q. You're just a comic book kid?

1 A. Yeah.

2 Q. Did you collect them growing up?

3 A. Not really. Just a big Joker fan.

4 Q. Why do you like the Joker?

5 A. I don't know. Just he was -- always been  
6 my favorite character.

7 Q. He's a criminal?

8 A. Not that.

9 MR. STANFORD: Object to form.

10 THE WITNESS: Not really that.

11 BY MR. HOSS:

12 Q. Well, what do you like about him? What --  
13 what redeeming traits does the Joker have that you  
14 enjoy or appreciate?

15 MR. STANFORD: Object to form.

16 THE WITNESS: I just like his character  
17 throughout all the movies and things.

18 BY MR. HOSS:

19 Q. Do you have Joker tattoos?

20 A. Yes.

21 Q. Where?

22 A. Joker, Joker, Joker, Joker.

23 Q. So you're pointing to your left arm, your  
24 bicep down to your wrist?

25 A. Yes.

1 Q. And you've just mentioned Joker four or  
2 five times. You've got four or five Joker tattoos on  
3 your left arm?

4 A. Yes.

5 Q. Greg Cross wasn't looking at your Joker  
6 tattoos?

7 A. No.

8 Q. What tattoos -- tell us --

9 A. He was looking --

10 Q. Tell us -- tell everyone --

11 A. He was looking for a tattoo that would say  
12 that I was in a gang.

13 Q. Okay. Did he find that tattoo?

14 A. No.

15 Q. He did not?

16 A. No.

17 Q. What tattoo did he --

18 A. He -- he says that he found a 767 on me,  
19 but he never found a 767 on me because I don't have  
20 one. I simply have a 7 with a crown on it.

21 Q. A 7 with a crown? What does that mean?

22 A. Ghost Face Gangsters.

23 Q. Okay. And when did you get that tattoo?

24 A. When I got in Ghost Face Gangsters.

25 Q. So he did find -- when did you become a

1 member?

2 A. 2015, 2016.

3 Q. And tell me about that.

4 A. What's there to tell?

5 Q. Well, how did you get -- how did become a  
6 member? Why did you become a member?

7 A. Because I knew a few members and we all  
8 kind of dealt drugs together and -- and the  
9 opportunity come for me to become a member.

10 MR. STANFORD: Can we talk for just a  
11 second? Just a second?

12 (A short break was had.)

13 BY MR. HOSS:

14 Q. We just talked about your tattoos. So Greg  
15 Cross was looking at your arms for gang tattoos?

16 A. Yes.

17 Q. And you said he was looking for a 767?

18 A. Yeah. Well, that's what he claims he  
19 found, but he didn't find a 767 because I don't have  
20 one.

21 Q. What is a 767, for us?

22 A. 767, is -- in the alphabet G is 7, F is a  
23 6, and G is a 7. Ghost Face Gangsters.

24 Q. 767 is a Ghost Face Gangster tattoo?

25 A. Yes.

1 Q. So he didn't -- so you're claiming he find  
2 that, but he found a 7 and a crown, which is also a  
3 Ghost Face tattoo?

4 A. Yes.

5 Q. And you got that in 2014 or '15?

6 A. Yes.

7 Q. And you were not in custody at the time  
8 that you were initiated into the Ghost Face  
9 Gangsters, correct?

10 A. No, sir.

11 Q. You were out of custody?

12 A. Yes.

13 Q. In one of your interrogatory answers, you  
14 described the procedure that -- as to how you got  
15 initiated. So tell us what that -- what that  
16 consisted of.

17 A. Just they put you on watch. And once  
18 you're off watch, you become a prospect. And then  
19 once you're prospected, once you're initiated into  
20 the gang, you and three other people for 76 seconds.  
21 And hold your own, then you're a member.

22 Q. Okay. So there's different steps here?

23 A. Yes.

24 Q. Okay. What's the first step?

25 A. Being on watch.

1 Q. What does that mean?

2 A. It means that a member, someone who is  
3 already a member, has found something in you they  
4 like. They kind of put you on watch to see what they  
5 think about you. And then once you become a  
6 prospect, they take you more under their wing, bring  
7 you into the organization a little bit.

8 Q. That same member?

9 A. Yes.

10 Q. That sponsored you initially?

11 A. Yes. They bring you in. Your privy to a  
12 little bit more of the gang's activity. And if that  
13 went well, you have a probationary period, like a  
14 prospect period for roughly six months or so.

15 Q. So you were a prospect for six months?

16 A. Yes.

17 Q. Who -- who sponsored you?

18 A. I'd rather not say.

19 Q. You don't want to tell us who --

20 A. No.

21 Q. -- what Ghost Face Gangster sponsored you?

22 A. No.

23 Q. So what do you have to do as a prospect for  
24 six months?

25 A. Just sell drugs and do -- just learn

1 literature and --

2 Q. So you're paying drugs into the -- paying  
3 some of your profit?

4 A. Yes.

5 Q. What's the breakdown?

6 A. What do you mean.

7 Q. Like, what percentage do they get?

8 A. 10 percent.

9 Q. So if you're making -- if you're selling  
10 \$1,800 of quarter-pound quantities of meth, they get  
11 180 bucks?

12 A. Uh-huh.

13 Q. Roughly?

14 A. Roughly.

15 Q. Okay.

16 A. But then when you got 5,000 people doing  
17 that --

18 Q. That's a big business, right?

19 A. Yes.

20 Q. Or if you do it every day like you  
21 testified to?

22 A. Yes.

23 Q. It's quite a bit of money?

24 A. Yes.

25 Q. So you're paying that money to your sponsor

1 and to the entire gang?

2 A. Yes.

3 Q. So you were a prospect for about six months  
4 and then got the initiation?

5 A. Yes.

6 Q. And the initiation consists of the  
7 76 seconds?

8 A. Yes.

9 Q. And 76 because of?

10 A. Yeah. The GF -- 76.

11 Q. So 7 is the letter G?

12 A. Yes.

13 Q. And 6 --

14 A. Is the letter F in the alphabet. Yes.

15 Q. And it's you versus three guys?

16 A. Yes.

17 Q. So this is a fight that you're in?

18 A. Yes.

19 Q. And is there weapons involved? Just fists?

20 A. No. Yeah. Just fists. You can't kick  
21 your brother. If your brother falls, you can't kick  
22 your brother when he's down. You can't punch your  
23 brother when he's down. You just --

24 Q. And did you get through it?

25 A. Yes.



1 Q. What injuries did you have?

2 A. None.

3 Q. You didn't have any injuries?

4 A. No.

5 Q. How -- you're a big guy. How -- what's  
6 your size right now?

7 A. 6'2, 250 pounds.

8 Q. 6'2, 250. What were you, the same size  
9 back then?

10 A. Yes.

11 Q. So on the gang initiation, 6'2, 250?

12 A. Yes.

13 Q. And on the night of the high speed chase,  
14 6'2, 250?

15 A. Yes.

16 Q. And so, you got initiated for 76 seconds  
17 and you didn't have any injuries?

18 A. No, sir.

19 Q. Did the other three guys?

20 A. Couple.

21 Q. Like what?

22 A. Fractured eye socket, broken nose, broken  
23 jaw.

24 Q. You did that to them?

25 A. Yes, sir.

1 Q. And what's your best estimate for the date  
2 that that happened?

3 A. My G Day is October the 17th.

4 Q. What year?

5 A. 2015.

6 Q. G Day is the initiation day?

7 A. Yes.

8 Q. And to be admitted or to be, I guess,  
9 allowed into this group, that's a big deal?

10 A. What, your G Day?

11 MR. STANFORD: Object to form.

12 THE WITNESS: You never forget it. You're  
13 fighting three guys for 76 seconds. You're never  
14 going to forget it.

15 BY MR. HOSS:

16 Q. Is it something you look back on fondly?

17 A. No.

18 Q. No? Tell me about it. What's your opinion  
19 of --

20 A. Ghost Face is the reason I'm in here.

21 Q. Okay. Are you affiliated with them while  
22 you're in?

23 A. No.

24 Q. Are there any Ghost Face here at Forrest --

25 A. No.

1 Q. No?

2 A. No.

3 Q. But there are prison gangs?

4 A. Yes.

5 Q. Are you affiliated with any of them?

6 A. No.

7 Q. Any other prison gangs?

8 A. No. I'm not even in -- in federal prison,  
9 you have what you call cars. You got Tennessee car,  
10 you got the Virginia car, the Missouri car. I -- I  
11 come from Tennessee, but I'm not even in the  
12 Tennessee car. I'm what you call an independent.  
13 I'm by myself, for myself. I -- I don't get any -- I  
14 don't get in any mess. I'm the only person backing  
15 me. There's nobody backing me. I'm here -- I come  
16 in here with me, I'm going to leave here with me.  
17 That's it.

18 Q. Sometimes the BOP has people sign documents  
19 that -- like -- like affirmatively state that they  
20 will not be in a gang or they'll discredit whatever  
21 gang affiliation they've been with previously. Have  
22 you ever signed anything like that?

23 A. No.

24 Q. But you agree with me on the date of  
25 March 8th -- March 8th, March 9th, 2017, this high

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 128

1 speed chase, the drugs that you were dealing with at  
2 that time was to benefit the Ghost Face Gangsters?

3 A. Yes.

4 Q. Is that right?

5 A. Yes.

6 Q. Okay. Why did you become a member and once  
7 you get passed G Day, then what do you do for the  
8 gang?

9 A. Build the -- build the system. Make it  
10 grow.

11 Q. Which means what?

12 A. Find other people to put on watch, find  
13 other prospects, bring in other people.

14 Q. Did you bring in anybody?

15 A. Several.

16 Q. How many?

17 A. Probably 30.

18 Q. You brought in 30 Ghost Face members who  
19 worked under you?

20 A. Yes.

21 Q. Who were your prospects?

22 A. Yes.

23 Q. And you sponsored them?

24 A. Yes.

25 Q. And that is between October 2016 --

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 129

1 A. October 2015 and March 2017.

2 Q. Thank you. Are they still in the gang?

3 A. I couldn't say. I don't know. I literally  
4 have zero association with them at all.

5 Q. Did you have to be one of those three guys  
6 in 76 seconds with any of these 30 prospects that you  
7 sponsored?

8 A. Every one of them.

9 Q. Every single one of them?

10 A. Yeah.

11 Q. So not just were you in -- not was -- not  
12 just where it's one versus three on your G Day, you  
13 were part of the three against the one on 30  
14 different times?

15 A. Yes.

16 Q. During those two-year periods?

17 A. Yes.

18 Q. You're a good fighter?

19 A. Somewhat.

20 Q. Would people in the Ghost Face Gang  
21 describe Phillip Wayne Koger as a good fighter?

22 A. Probably.

23 Q. Okay. We asked you about your MMA  
24 experience. Tell us a little bit about that.

25 A. Not much to say really. Just I -- I fought

1 for a lot of my life.

2 Q. Tell -- I mean, when did you start with the  
3 MMA?

4 A. Probably started -- my parents put me in  
5 wrestling, a lot of wrestling when I was about four  
6 years old.

7 Q. Okay.

8 A. And 1998 I started taking Jiu Jitsu.

9 Q. How old were you in '98?

10 A. 14, 15 years old.

11 Q. Okay. So at age 14, 15, you start the Jiu  
12 Jitsu, correct?

13 A. Yes. Start Brazilian Jiu Jitsu.

14 Q. And what is that, versus karate, versus  
15 other martial arts?

16 A. Brazilian Jiu Jitsu is a -- really a form  
17 of submission fighting really. It's a way for the  
18 smaller guy to be able to beat the bigger guy.

19 Q. Is a lot of stuff on the ground, a lot of  
20 moves on the ground?

21 A. A lot of joint manipulation, arm bars,  
22 chokes, things like that.

23 Q. Okay. So you were trained in that art from  
24 1998 until when?

25 A. I don't know that I've ever stopped really.

1 I still study. I get books out of the library about  
2 it. I don't know that I've ever stopped.

3 Q. You listed in your interrogatories the name  
4 of your instructor?

5 A. Ricardo Almeida.

6 Q. Spell -- spell that for the court reporter.

7 A. R --

8 Q. No. The last --

9 A. Almeida, A-L-M-E-I-D-A.

10 Q. Did he have a place?

11 A. Toms River, New Jersey.

12 Q. Well, you didn't go to Toms River, New  
13 Jersey?

14 A. No. I was -- when we was working out of  
15 town on jobs, we worked in New Jersey. And I went  
16 through Toms River and he had a -- he had another  
17 little spot in Pensacola where I'd worked there in  
18 Pensacola. But everything was through America's Top  
19 Team.

20 Q. America's Top Team?

21 A. Yes.

22 Q. And is that a franchise?

23 A. Yes.

24 Q. Like, I'm assuming there's a place in  
25 Ringgold where you can go and train?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 132

1 A. No.

2 Q. No?

3 A. No.

4 Q. Where in --

5 A. Well, in -- in Ringgold -- there's a  
6 Chattanooga is -- would probably be. What's the  
7 local -- Blaylock's IMB.

8 Q. Is that where you went?

9 A. No.

10 Q. Where did you go?

11 A. I never went in Ringgold. Every time I've  
12 went it was either of town -- and I worked with a  
13 gentleman, Ray Blaylock.

14 Q. Okay.

15 A. He's -- he's Chet Blaylock's first cousin.  
16 He does Brazilian Jiu Jitsu, all that. I never went  
17 to like a dojo in Ringgold.

18 Q. Is Brazilian Jiu Jitsu -- I got a ten year  
19 old who -- got -- managed to get a black belt. I  
20 think it's all a money --

21 A. In Jiu Jitsu?

22 Q. No. No. Are there belts in Brazilian Jiu  
23 Jitsu?

24 A. Yes.

25 Q. Okay. And the highest belt is a --



1 A. Red belt.

2 Q. Red belt? Okay. Did you know this? And  
3 do you have a red belt?

4 A. No. I have a black belt.

5 Q. Okay. And where is black belt in the  
6 spectrum?

7 A. Next to last.

8 Q. So red is next?

9 A. Yes.

10 Q. So you've managed to earn your black belt?  
11 How many steps are there to get to a black belt?

12 A. Nine.

13 Q. And black belt --

14 A. And then you have to have at least 30 years  
15 of practitioner until -- you have to a practitioner  
16 for at least 30 years before you can get a red belt.

17 Q. What are the requirements for a black belt?

18 A. At least 15 years of training. Pretty much  
19 just like any other martial arts, you have tests, you  
20 have forms, things like that that you do before  
21 you're passed up.

22 Q. Yeah. What -- you took it a step further  
23 and actually did MMA fighting?

24 A. Yes.

25 Q. Right?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 134

1 A. Yes.

2 Q. You don't have to do MMA fighting to get a  
3 black belt in Brazilian Jiu Jitsu, correct?

4 A. No. No.

5 Q. That's correct?

6 A. No. You don't have to, is what I'm saying.

7 Q. So the MMA fights, how many MMA fights have  
8 you done?

9 A. Probably 15.

10 Q. Okay. And tell me about -- how do you get  
11 into MMA?

12 A. I got arrested for a bunch of some simply  
13 battery and aggravated assault. And a guy, Blaylock,  
14 came up to me and said, look, I know how you can get  
15 paid to do this as opposed to going to jail for it.  
16 So I started doing that.

17 Q. And what -- tell me the time period from  
18 when to when did you do these 15 MMA fights?

19 A. Probably 2007 to 2013, '14.

20 Q. 2013 or '14 would have been one of your  
21 last fights?

22 A. Yes.

23 Q. Why did you stop?

24 A. I really don't know. Just lost the passion  
25 for it for a while.

1 Q. Is it -- what's your win/loss record?

2 A. 11-4 probably.

3 Q. Okay. Did you -- did you earn money for  
4 the MMA fights, right?

5 A. You earn money and sponsorships and things  
6 like that.

7 Q. Did you earn money?

8 A. Yes.

9 Q. How much -- what are your career wings?

10 A. For a -- for a small-time fighter, man, I  
11 probably made -- in 15 fights I probably made \$8,000.

12 Q. Okay.

13 A. Nothing. Really, nothing.

14 Q. Did you ever get sponsored?

15 A. Yes. I had America's Top Team and Combat  
16 Fight Gear.

17 Q. Where in the Ringgold/Chattanooga area  
18 would these fights take place?

19 A. Chattanooga, they -- they do a few of them  
20 at Camp Jordan, Atlanta I fought at Phillips Arena.  
21 And then I fought just mainly out of town stuff,  
22 South Carolina, North Carolina --

23 Q. So you traveled to other towns as well?

24 A. Yes.

25 Q. Did you fight at Camp Jordan?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 136

1 A. No. I never did fight at --

2 Q. But you did fight at Phillips Arena in  
3 Atlanta?

4 A. Yes.

5 Q. How many people were there?

6 A. I don't know. A few. A lot of folks.

7 Q. Thousands?

8 A. Couple thousand people.

9 Q. Paid tickets to come and watch this?

10 A. Yes.

11 Q. You're on the under card?

12 A. But even if you -- if you take -- there's  
13 -- there's amateur fights on the under card and these  
14 guys get paid nothing to come here and do this in  
15 front of 3,000 people. And I mean, they -- they get  
16 a trophy and a thanks for coming.

17 Q. You go from Centerstone to Erlanger, right?  
18 This is still March 9th of 2017?

19 A. Correct.

20 Q. Do the police take you from one to the  
21 other?

22 A. I don't know who took me.

23 Q. You don't recall?

24 A. No.

25 Q. You don't recall what any medical

1 professional told you at Centerstone?

2 A. Just keep my hand away from my face is all  
3 I remember.

4 Q. Do you recall what happened at Erlanger?

5 A. No. I just woke up and I was super, super  
6 sore and wasn't any officers around me. So of  
7 course, I tried to leave. I got on -- I -- can I use  
8 the phone? They let me use the phone.

9 Q. Called your mom?

10 A. I called my mom.

11 Q. Right. She came down there?

12 A. Yeah. She come down there. And then I was  
13 literally at the door fixing to get in the backseat  
14 of her car.

15 Q. I read that. And then what happened?

16 A. Security guy come up and said you can't  
17 leave here. Honestly, I'm -- if I had been in any  
18 kind of better shape, I would have -- I would have  
19 got out of there, but --

20 Q. You could have left if you wanted to?

21 A. I could have.

22 Q. And so, did you wait on the police to come  
23 down there?

24 A. I had to.

25 Q. Because of the security guard?

1           A.     No. I really could not move. I was in no  
2 way shape or form in any way able to fend off  
3 anybody.

4           Q.     What did the -- what did the doctors at  
5 Erlanger or the nurses at Erlanger tell you about  
6 your injuries or your treatment?

7           A.     Nothing.

8           Q.     You don't recall anything?

9           A.     Shit, they didn't tell me anything.

10          Q.     She didn't? You're saying nurses or the  
11 doctors?

12          A.     The nurses told me -- she come in there and  
13 said I was free to go. And I looked around and there  
14 wasn't a cop around me, so I mean, fight or flight  
15 instinct was crawl your ass out of here.

16          Q.     And then the -- did the doctors tell you  
17 anything about your injuries?

18          A.     No. Just to make sure my testicle -- he  
19 said to watch -- really watch over my testicle  
20 because if it ruptured, then that could be bad.

21          Q.     Okay. And so, he told you it was not  
22 ruptured?

23          A.     Yeah. He -- it was extremely swollen.

24          Q.     All right. And so, eventually, you left  
25 with the police and were taken to Hamilton County

1 jail?

2 A. Yes.

3 Q. Right. So let's talk about what treatment  
4 you've received since then. What do you recall?

5 A. I was on the medical floor at Hamilton  
6 County for roughly three months.

7 Q. Okay.

8 A. And in that three months, they had to take  
9 me to the hospital one time because my testicle swole  
10 up again real big. Other than that, really the  
11 medical treatment I received was shabby at best.

12 Q. Okay. So what treatment did they give you  
13 at the Hamilton County jail during those three  
14 months?

15 A. Hardly nothing. She -- she -- you can't  
16 even get them to look at you. I mean --

17 Q. Well, did they give you treatment? Or I  
18 guess what I'm getting at --

19 A. Honestly, this right here is one of the  
20 best medical treatments that I've got since I've been  
21 incarcerated.

22 Q. Okay.

23 A. They're giving me medication for the  
24 problems I'm having, the back pain, neck pain, stuff  
25 like that. They're actually helping. They're doing

1 something for you.

2 Q. So what treatment -- so back to my question  
3 is: What treatment, if any, did Hamilton County jail  
4 give you during those two months?

5 A. Just the trip to the hospital.

6 Q. What's your best estimate for when that  
7 occurred? A month later? 45 days? 60 days?

8 A. Probably two months, probably 60 -- maybe  
9 between two and three months.

10 Q. But you remember going back to Erlanger?  
11 Did you see a specialist?

12 A. No. They actually said I need to see a  
13 urologist and that Hamilton County medical staff  
14 needed to arrange for me to go see a urologist. And  
15 they never did it.

16 Q. Because those records have never been  
17 provided to us. Have you ever seen those records?

18 A. No. But it went down. I can -- I even  
19 remember the two officers that took me. Black  
20 officer named Denny he used to work for Hays State  
21 Prison in Georgia. And a white officer, young white  
22 officer. I can't remember his name. But it was a  
23 young kid.

24 Q. And you did see a urologist at Erlanger, or  
25 you did not?



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 141

1 A. No. I just seen -- they did a sonogram.

2 Q. On the second visit?

3 A. Yeah.

4 Q. That would have been in May of 2017?

5 A. Yeah. Ultrasound. They did an ultrasound.

6 Q. Okay.

7 A. She said that I definitely needed to go a  
8 urologist and Hamilton County medical staff needed to  
9 arrange that.

10 Q. That person never told you it was ruptured?

11 A. No.

12 Q. Correct?

13 A. Correct.

14 Q. As you sit here today, you've never  
15 suffered a ruptured testicle?

16 A. No.

17 Q. Right?

18 A. Right.

19 Q. You also went to Silverdale some and  
20 Bradley County some?

21 A. Yes.

22 Q. What treatment did they give you?

23 A. Nothing. Nothing. You're not getting  
24 anything from Bradley County.

25 Q. Did you complain?

1 A. Yes. Several times.

2 Q. What treatment has this BOP facility given  
3 you?

4 A. They've done x-rays. She's helping with  
5 me -- because I had a problem, like the -- my arms  
6 and legs go numb. She's got to where -- she's got me  
7 to -- trying steroids, trying to get my arms to where  
8 they do better, things like that. She's really --  
9 Ms. Wayne does help a lot.

10 Q. What x-rays -- what parts of your body have  
11 they x-rayed?

12 A. She just did my neck, my back, and my knee,  
13 my shoulder. She did all the upper and lower middle  
14 back, pretty much the whole body. Just did a whole  
15 body x-ray.

16 Q. And what do you contend causes these  
17 injuries?

18 A. I -- I didn't hurt like this before that  
19 night. I'll say that. I didn't hurt like this  
20 before March the 8th. I never had these problems. I  
21 mean, I've always been real mobile, real active. I  
22 mean, yeah, I was a meth dealer, but I still did  
23 things. I still went out and did things with my  
24 kids, stuff like that, exercise. I can't -- I  
25 probably couldn't do 50 pushups.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 143

1 Q. How many pushups can you do?

2 A. Probably five, if that.

3 Q. We've never seen -- you contend in your  
4 answers to interrogatories that these are permanent  
5 injuries, but we've never seen any doctor's reports  
6 saying that you have permanent injuries as a result  
7 of this accident with the police on March 8th and 9th  
8 of 2017.

9 MR. STANFORD: Object to form.

10 BY MR. HOSS:

11 Q. What evidence do you have that your  
12 injuries are permanent?

13 A. They haven't stopped. The pain hasn't  
14 stopped at all. I mean, I still have pain in my low  
15 back, my middle back, my neck.

16 Q. Can you identify what happened to you to  
17 cause that injury?

18 A. I went on a chase and got beat up. I mean,  
19 did I -- I'm saying, I was wrong. I was wrong for  
20 taking the police on a chase the way I did. But I'm  
21 also saying what they did was wrong too. They  
22 shouldn't -- I was in -- I was detained. I didn't  
23 resist. I was handcuffed.

24 Q. How do you know you didn't resist? You  
25 don't remember what happened.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 144

1 MR. STANFORD: Object to form.

2 THE WITNESS: I was in handcuffs. Once I  
3 was in handcuffs, I didn't resist.

4 BY MR. HOSS:

5 Q. You just said you blacked out.

6 A. Yeah. I wouldn't let them put the  
7 handcuffs on me if I was going to resist. We would  
8 have held court right there in the street.

9 Q. You would have challenged them?

10 A. Yes. If I wasn't giving up, I would have  
11 never got in handcuffs.

12 Q. You deny resisting arrest at any time?

13 A. Yes.

14 Q. Correct?

15 A. Yes.

16 Q. Okay. Once you got handcuffs on you, your  
17 testimony today is -- is that you don't recall  
18 anything that's happened until you got to the  
19 Centerstone Hospital?

20 A. Yes.

21 Q. So you can't tell us -- you can't tell this  
22 court that you didn't resist when you were on the  
23 back of that car, correct?

24 MR. STANFORD: Object to form.

25 THE WITNESS: When I was on the back of the

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 145

1 car?

2 BY MR. HOSS:

3 Q. Have you seen the videos in this case?

4 A. No.

5 Q. You've not seen the -- the officers'  
6 in-camera videos?

7 A. Not from -- not from their video, no.

8 Q. Okay. Have you seen any videos in this  
9 case?

10 A. Just part of the chase.

11 Q. Just part of the chase. So you have seen  
12 some video?

13 A. Yeah.

14 Q. Okay. And so, you don't recall what  
15 happened from when the officers put you in handcuffs,  
16 right?

17 A. Until I woke up.

18 Q. Until you woke up in the hospital?

19 A. I don't know.

20 Q. You don't know what happened, right?

21 A. Right.

22 Q. So you can't tell under oath, you can't  
23 tell this court that you did not resist after you  
24 were placed in handcuffs?

25 MR. STANFORD: Object to form.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 146

1 BY MR. HOSS:

2 Q. Correct?

3 A. I -- I didn't resist.

4 Q. How can you say that if you don't know what  
5 happened?

6 A. Because I would -- I know me. I would --  
7 if they were -- if I was going to resist, we was  
8 going to have a shoot out right there in the street.  
9 There wouldn't have been any --

10 Q. You kind of did. You led people on a  
11 24-mile high speed chase that was 90 miles an hour.

12 MR. STANFORD: Object to form.

13 THE WITNESS: And I also had two firearms  
14 and we didn't have a shoot out in the middle of the  
15 road.

16 BY MR. HOSS:

17 Q. You had three?

18 A. I had three firearms. And we didn't have a  
19 shoot out in the middle of the road. So I didn't  
20 resist. Once I was out of the car, I gave up.

21 Q. But how can you tell us what happened if  
22 you don't recall?

23 MR. STANFORD: Object to form.

24 BY MR. HOSS:

25 Q. The point at which you black out?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 147

1 A. I didn't resist.

2 Q. But you're just saying that, in general,  
3 you have no specific memory?

4 A. No.

5 Q. Correct?

6 A. Correct.

7 Q. I'm talking about the point when you're  
8 handcuffed until you wake up in Centerstone, you've  
9 got no specific memory as to what happened?

10 A. No.

11 Q. No, you don't have a memory?

12 A. No. I don't have a memory.

13 Q. The -- you did give a statement later on to  
14 Adam Jones with GBI; is that right?

15 A. Yes.

16 Q. Let me show you this. Have you seen a copy  
17 of that statement?

18 A. No.

19 MR. STANFORD: Let me step in the restroom.

20 (A short break was had.)

21 BY MR. HOSS:

22 Q. I've just shown you what's been marked as  
23 Defendant's Exhibit 6.

24 (Exhibit Number 6 marked for identification.)

25 BY MR. HOSS:

1 Q. Which is an interview you gave to GBI  
2 Special Agent Adam Jones and this is a written  
3 summary that, I believe, Special Agent Jones  
4 prepared. Did you have a chance to review that  
5 Mr. Koger?

6 A. Yes, sir.

7 Q. Does it appear accurate, the information  
8 you provided to Mr. Jones?

9 A. Yes, sir.

10 Q. All right.

11 MR. HOSS: We move to admit Exhibit 6.

12 BY MR. HOSS:

13 Q. In it, it says that you admitted to Agent  
14 Jones that you hit a patrol car a couple of times  
15 during the high speed chase?

16 A. Yes.

17 Q. Is that accurate?

18 A. Yes.

19 Q. Let's see, you told Special Agent Jones  
20 that you did not remember much of what was being said  
21 during the time? Let me read it.

22 It says, Koger stated that he ended up on  
23 the ground and was handcuffed at this time. Koger  
24 stated he did not remember much of what was being  
25 said during this time.



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 149

1 Do you recall that?

2 A. Yeah.

3 Q. Is that accurate?

4 A. Yeah.

5 Q. Then it says, Koger stated that he had been  
6 handcuffed by a light-haired officer who became  
7 striking Koger and making the command, Stop  
8 resisting, stop resisting.

9 Do you recall that?

10 A. No. I -- I told him I didn't remember  
11 anything that happened after getting kicked in the  
12 head.

13 Q. You told Agent Jones that?

14 A. Yes.

15 Q. So you don't recall anyone giving you the  
16 command, Stop resisting, stop resisting?

17 A. No.

18 Q. Koger stated he was not resisting at this  
19 time. And a short time later, Koger said the same  
20 officer making the stop resisting comments picked  
21 Koger up by his testicles, squeezed Koger's  
22 testicles, and then slammed Koger into a car trunk.

23 Did you tell agent Jones that?

24 A. No.

25 Q. So that would not have been accurate?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 150

1 A. No.

2 Q. And Agent Jones would not have -- what he  
3 wrote down would not have been what you told him?

4 A. I didn't tell him anything from that point  
5 on. He had to get that from the video.

6 Q. Says, Koger -- in -- in this report, in  
7 Exhibit 6 is says, Koger stated these things.

8 A. No.

9 Q. And you're saying that's not true?

10 A. True.

11 Q. It says that you did not tell Agent Jones  
12 that you had a ruptured testicle?

13 A. No.

14 Q. So your statements to Adam Jones, that the  
15 same officer was the one that was yelling at you to  
16 stop resisting, stop resisting, while you were on the  
17 ground and it was the same officer that picked you up  
18 by your testicles later, you're saying that you did  
19 not tell that to Agent Jones, correct?

20 A. Correct.

21 Q. I'm going to show you another document  
22 that's been marked Exhibit 9.

23 (Exhibit Number 9 marked for identification.)

24 (A short break was had.)

25 BY MR. HOSS:

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 151

1 Q. Have you had a chance to review Exhibit 9,  
2 sir?

3 A. Yes.

4 Q. You mentioned earlier that there was a  
5 Detective Cross that was with you at Centerstone?

6 A. Uh-huh.

7 Q. And -- sorry if you could say yes or --

8 A. Yes, sir.

9 Q. Thanks. This is -- he wrote on this, on  
10 Exhibit 9, that he observed a 767 tattoo on your  
11 where -- where did he write that he observed?

12 A. On the exterior some -- I can't -- I can't  
13 read his -- the exterior something of the left  
14 foreman.

15 Q. Okay. And then there's some boxes checked.  
16 There is a form that validates gang members?

17 A. Yes.

18 Q. Right?

19 A. Yes.

20 Q. Do you -- do you agree that you were a  
21 validated gang member on that day?

22 MR. STANFORD: Object to form.

23 THE WITNESS: 7, 8, and 9 are true, but I  
24 never admitted to him that I was a gang member.

25 BY MR. HOSS:

1 Q. Okay. Let me see what you're referring to  
2 is, he's checked Box 6 that you have gang-related  
3 tattoos; he's checked Box 8, that you display or  
4 write gang-related material on social media, or i  
5 photographed with known gang members; and Number 9,  
6 that you correspond with known gang members who are  
7 incarcerated in Catoosa County jail. You admit to 6,  
8 7, and 8?

9 A. Yes.

10 Q. You deny that you admitted being a gang  
11 member, or being an associate of a gang member?

12 A. Yes. I never admitted that I was a gang  
13 member.

14 Q. You've admitted that to us today?

15 A. Yes.

16 Q. Okay. All right.

17 MR. HOSS: We'll move for Exhibit 9 to be  
18 admitted.

19 BY MR. HOSS:

20 Q. This was dated March 9th, 2017, at 1:00  
21 a.m.

22 A. Yeah.

23 Q. All right. Show you Exhibit 7.

24 (Exhibit Number 7 marked for identification.)

25 BY MR. HOSS:

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 153

1 Q. That's a -- that's your mugshot. Does that  
2 appear to be your mugshot from March 9th, 2017?

3 A. Yes.

4 Q. And the injuries that we see on that  
5 mugshot appear to be towards the right side of your  
6 face?

7 A. Yes --

8 Q. The left -- the left side of your face,  
9 correct.

10 A. Yes.

11 Q. I'm looking at it backwards. Did you have  
12 a -- a fracture of your face?

13 A. Yes.

14 Q. Where was the fracture?

15 A. The left orbital socket.

16 Q. Do you recall where the fracture was in  
17 your left orbital socket?

18 A. Right here where the scar is.

19 Q. Any other fractures?

20 A. Not that I recall. On my face.

21 Q. Was anything else broken?

22 A. Not -- I didn't receive x-rays or anything  
23 until here.

24 Q. You didn't get x-rayed at Centerstone or  
25 Erlanger?

1 A. Not until I got here, that I know of.

2 Q. The only thing that you recall being broken  
3 though is your orbital socket?

4 A. Yes.

5 Q. Could you have gotten that in the wreck?

6 A. I wasn't in a wreck.

7 Q. Could you have gotten that in the high  
8 speed chase?

9 A. No.

10 Q. How do you know that?

11 A. Because I never wrecked the car.

12 Q. How did -- who -- how did you sustain the  
13 orbital fracture?

14 A. I'm guessing when I got kicked in the head.

15 Q. That's a guess?

16 A. Yes.

17 Q. You don't have any information that  
18 officers -- Sergeant Carson kicked you in the head?

19 MR. STANFORD: Excuse me, object to form.

20 I object to the form of the prior question.

21 BY MR. HOSS:

22 Q. Do you?

23 A. I don't know who did it.

24 Q. We received from your attorneys -- it's  
25 dated March 18th, 2019, so two months ago, something

1 like that, a full set of your medical records. I've  
2 marked them as Exhibit 8 to this deposition.

3 (Exhibit Number 8 marked for identification.)

4 BY MR. HOSS:

5 Q. I want to show you a couple and ask you  
6 about a couple things that are in your medical  
7 records, if that's all right.

8 So this is from Centerstone. And these --  
9 these medical records only consist of the night of  
10 March the 9th.

11 A. Okay.

12 Q. Records from Centerstone from that night,  
13 and records from Erlanger that night. We don't have  
14 the followup. But from Centerstone's records,  
15 there's a -- see presentation right there? Did  
16 you -- can you read that?

17 A. Presents complete -- presenting complaint,  
18 law enforcement states he was in a high speed chase,  
19 unrestrained, broken windshield and broken side  
20 window with his head. Transition of care, patient  
21 was not received from another sedative care prior to  
22 arriving.

23 Q. So my question is: There's some indication  
24 in the medical records that there was a side window  
25 that, we have the picture of your injuries to the

1 left side of your face, your face could have hit your  
2 side window. Do you disagree with that?

3 A. Yes. Because the side window was down.

4 Q. Do you know how far down it was?

5 A. I do know this, my face wasn't bleeding  
6 when I had my hands out the window. So if I knocked  
7 the window out with my head, my face would have been  
8 bleeding.

9 Q. How do you know that?

10 A. Because if I knocked the window out with my  
11 face right there, it would have been bleeding because  
12 I had my hands out the window. I had to get my hands  
13 out -- how was I going to get my hands through a  
14 window?

15 Q. Okay. Where were the guns in your car at  
16 that point?

17 A. Center console and floorboard.

18 Q. All three of them?

19 A. And yeah the -- I still don't know where  
20 the .380 went. Nobody knows what it went.

21 Q. Where was it the last time you'd seen hit?

22 A. In my back pocket.

23 Q. In your pocket?

24 A. Yes.

25 Q. Do you know what a pat down is?



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 157

1 A. Yeah. Where they search you.

2 Q. Officers pat down -- officers pat down  
3 suspects for safety purposes? Do you agree with  
4 that?

5 A. Yes.

6 Q. Do you -- were you patted down before you  
7 were handcuffed?

8 A. No. If -- I mean, in all honestly, there  
9 should have been a gun on my person. There -- I  
10 mean, it was in my back -- all of those guns -- the  
11 only thing I can think of is that it come loose in  
12 the driver's seat when they pulled me out. But still  
13 don't account for it in all the reports.

14 Q. Back to your medical records Exhibit 8, it  
15 says that patient uses alcohol, street drugs,  
16 methamphetamine, marijuana. Is that -- is that  
17 accurate?

18 A. Yes.

19 Q. Medical records say -- this is still the  
20 Centerstone records. The patient was a driver -- or  
21 patient was fleeing from police when he crashed  
22 vehicle. Per police, the patient was resisting  
23 arrest after the crash.

24 Do you agree with that?

25 A. No.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 158

1 Q. Do you recall an ultrasound at Centerstone?

2 A. No.

3 Q. Do you recall an ultrasound at Erlanger?

4 A. Months later.

5 Q. Months later?

6 A. Yeah. I don't -- I don't recall them doing  
7 them while I was there.

8 Q. Medical records from Erlanger indicate that  
9 you were not a restrained passenger, so you did not  
10 have your seatbelt on; is that accurate?

11 A. Yes.

12 Q. And mentions that you were driving miles  
13 per hour, says 70. Where would they have received  
14 that information?

15 A. The police.

16 Q. Well, you said the police weren't there by  
17 you're --

18 A. At some point, yeah.

19 Q. Would you have provided that to them?

20 A. No.

21 Q. You did not?

22 A. No.

23 Q. So Erlanger's diagnosis for you, it lists  
24 what's called a scrotal contusion, like a bruise, of  
25 your scrotum or testicles. Would you describe that

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 159

1 as what you had?

2 A. Yes.

3 Q. Not a rupture?

4 A. Not a rupture.

5 Q. Show you this. This is the Erlanger  
6 records that I've highlighted. Can you read that  
7 portion that I've highlighted?

8 A. Yeah. Yes. It says I was -- unrestrained  
9 driver. I wasn't in a crash, at 70 miles per hour.

10 Q. That's part of -- that's my question. It  
11 says -- it indicates that you were in an accident at  
12 70 miles an hour. Is -- do you agree with that or  
13 disagree with that?

14 A. Disagree with that.

15 Q. Let's mark that as Exhibit 8.

16 Does your testicle still bother you today?

17 A. Somewhat. It's not near as bad as what it  
18 was, though.

19 Q. The contusion still bother you today?

20 A. No. It still swells.

21 Q. How often?

22 A. Just once every so often. Really, it's not  
23 on a time frame really.

24 Q. Just has a mind of its own? How -- so let  
25 me ask -- how many times have you had an issue with

1 it since March 9th, 2017?

2 A. Several.

3 Q. How many is several?

4 A. 20 or so.

5 Q. 20 or so?

6 A. Yeah. But it's never swollen like it did.

7 It's never -- I mean, that -- we're talking softball  
8 sized is what it was.

9 Q. Okay.

10 A. It's never gotten back like that.

11 Q. So when you went back 60 days later, it was  
12 softball sized?

13 A. Yes.

14 Q. What other injuries besides your testicle  
15 do you complain about as you're sitting here today?

16 A. My neck, my back, my knee. Really, that's  
17 about it.

18 Q. Your neck, your back, and your knee. So  
19 tell us about your neck.

20 A. It's really right there where it meets the  
21 back, right where you got like that ball, that's  
22 really where it has the most, right there. It's like  
23 -- like my neck's been bowed up or something. It's  
24 not a -- I mean, I go to medical for it. They do  
25 x-rays. They give me medication. Send me back.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 161

1 That's -- that's just what being in BOP is.

2 That's --

3 Q. But you can't identify any particular  
4 strike or any particular --

5 A. No.

6 Q. -- specific use of force that was used on  
7 you that may have contributed or caused that injury?

8 A. No.

9 Q. All right. Let's talk about your back.  
10 What's your injury to your back, besides it being  
11 sore?

12 A. It just stays sore.

13 Q. Just stays sore?

14 A. Yeah.

15 Q. Is there any particular strike or --

16 A. I --

17 Q. -- specific action by any officer that you  
18 contend caused or contributed to that injury to your  
19 back?

20 A. No.

21 Q. Same question for your knee?

22 A. No.

23 Q. What -- what -- what's your injury to your  
24 knee, other than it's sore?

25 A. I can't say who did it. I -- I don't know

1 who did it.

2 Q. Let's talk about the injury. The injury is  
3 just soreness?

4 A. Yes.

5 Q. Okay.

6 A. At this point.

7 Q. Because there's broken bones, right? There  
8 are torn meniscus, right?

9 A. Yeah.

10 Q. There's bulging disks, correct?

11 A. Yeah.

12 Q. And I -- you don't have any of those?

13 A. That I know of.

14 MR. STANFORD: Object to form.

15 BY MR. HOSS:

16 Q. That you're -- that you're aware of?

17 A. Yes.

18 Q. That anybody has found two years after --  
19 in the last two years since this happened?

20 A. Yes. But at the same time, I haven't  
21 receive proper medical care either in those two  
22 years.

23 Q. Okay.

24 A. And I haven't received MRIs, CAT scan, none  
25 of that.

1 Q. So the -- the primary complaint is one of  
2 soreness to these areas of your body?

3 A. Yeah. And the back. I know that's what's  
4 causing my arms to go numb, my legs to go numb. It's  
5 like pinched nerves. My arms, my hands, legs go  
6 numb.

7 Q. Have you ever had any doctor or nurse at  
8 any facility tell you you have a pinched nerve?

9 A. No.

10 Q. You mention -- there's some allegation in  
11 here about emotional injuries to you, Mr. Koger.  
12 What emotional injuries do you have?

13 A. At this point, it's like I get real --  
14 really sketchy around anybody with a badge. Now, I  
15 mean, I'm supposed to be able to trust them.  
16 Supposed to -- at this point, there's -- there is no  
17 trust. I get nervous around them even when I'm not  
18 doing anything wrong and they're not doing anything  
19 wrong. It -- loud noises, bangs, people -- people  
20 screaming, getting loud, it just causes anxiety, real  
21 high anxiety.

22 Q. That's because of the people have a badge?

23 A. Yeah. Simply because I'm -- they've --  
24 they make me nervous now.

25 Q. They, being police?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 164

1 A. Yes.

2 Q. Law enforcement?

3 A. Yes.

4 Q. That's your emotional injury that you're  
5 claiming?

6 A. I should be able to trust them.

7 Q. Well, before this high speed chase, you  
8 were involved in multiple high speed chases?

9 A. Yes.

10 Q. Correct?

11 A. Yes.

12 Q. How many -- how many high speed chases --  
13 how many times have you ran from the cops in your  
14 lifetime?

15 A. With me being the driver?

16 Q. With you in the driver, you being a  
17 passenger, on foot?

18 A. In the -- in the passenger seat, I had no  
19 control over whether we ran or not.

20 Q. You had no control over those women who  
21 were driving you around town?

22 A. Never. Never.

23 Q. Just wrong place, wrong time?

24 A. Me, I've been in two high speed chases of  
25 my own.



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 165

1 Q. This one and Whitfield County?

2 A. No. This -- this one and another one  
3 before that I got away in.

4 Q. Where was that? That -- was the one in  
5 Chattanooga?

6 A. Yes.

7 Q. Right?

8 A. Yes.

9 Q. Yeah. You were involved in one high speed  
10 chase in Chattanooga before this, right?

11 A. Yeah.

12 Q. We know you had warrants in Whitfield  
13 County for another high speed chase, right, that you  
14 won't answer about -- any questions, right?

15 A. Right.

16 Q. Because you're afraid Georgia is going to  
17 come and prosecute and Georgia doesn't play?

18 A. That's my -- that's my other pending charge  
19 right now. That's my other pending warrant.

20 Q. It's still pending?

21 A. It's an open warrant. I haven't been -- I  
22 haven't been charged with it or anything like that  
23 for me.

24 Q. And then?

25 A. It's the detainer.

1 Q. Okay. We're talking about your high speed  
2 chases. So we got Chattanooga, Whitfield County, and  
3 then this one in March of 2017, right?

4 A. Yes.

5 Q. And you're blaming this one in March of  
6 2017 to cause you emotional injury that you fear  
7 police now because of that?

8 A. Yeah.

9 Q. There's something in your interrogatory  
10 responses about events that happened when you were  
11 young in a car wreck?

12 A. Yeah.

13 Q. You caused a woman --

14 A. I seen -- I seen a lady get decapitated.

15 Q. You caused -- you witnessed an event?

16 A. Yes.

17 Q. When you were 11 or 12?

18 A. Yes.

19 Q. And did you ever see a psychologist or  
20 psychiatrist or some mental health professional?

21 A. Yes.

22 Q. And -- and was that in Ringgold?

23 A. Yeah. Dr. Laura Hayes.

24 Q. H-A-Y-E-S?

25 A. Yes.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 167

1 Q. And how many times did you see Dr. Hayes?

2 A. Several. I -- about a year.

3 Q. When you were --

4 A. A minor.

5 Q. -- minor? This the 12 months after this  
6 event?

7 A. Yeah.

8 Q. Okay. And you stopped seeing her?

9 A. Yes.

10 Q. And why did you stop seeing her?

11 A. Just really kind of grew into doing my own  
12 thing. That's about the time I started smoking weed  
13 and stuff like that, thought I would be okay and  
14 drifted away from the situation.

15 Q. Did she ever have to give you medication?

16 A. Yeah.

17 Q. What did she give you?

18 A. I can't recall the name of it.

19 Q. So the treatment stopped with her because  
20 you didn't need it anymore?

21 A. No. It stopped because I just quit going.

22 Q. Because you just quit going. Does that  
23 have anything to do with this case?

24 A. No.

25 MR. STANFORD: Object to form.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 168

1 BY MR. HOSS:

2 Q. There's some mention in here about panic  
3 attacks?

4 A. Yes.

5 Q. Do you have panic attacks?

6 A. Yes.

7 Q. And chest pains?

8 A. Yes.

9 Q. That you're relating to this?

10 A. Well, it's any kind of loud noise or people  
11 yelling.

12 Q. How many panic attacks have you had?

13 A. Several. I've had one of them they had to  
14 treat me right then. They had to give me a  
15 stabilizer, get me to calm down.

16 Q. When was that?

17 A. That was in Bradley County because it was  
18 causing chest pains so bad that I just -- I thought I  
19 was having a heart attack.

20 Q. Right. And there's never been a doctor  
21 that's told you that that's -- that you suffered that  
22 panic attack and those chest pains as a result of  
23 this high speed chase?

24 MR. STANFORD: Object to form.

25 BY MR. HOSS:

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 169

1 Q. Correct?

2 A. No. They've never said that.

3 Q. Has any doctor told you what's caused the  
4 panic attacks?

5 A. No.

6 Q. Or any medical professional told you what's  
7 caused the panic attacks?

8 A. No.

9 Q. Have you been diagnosed -- also mentions  
10 here about significant depression. Have you been  
11 diagnosed with depression?

12 A. Yes.

13 Q. By who?

14 A. Laura Hayes.

15 Q. When you were 11 or 12?

16 A. Yes.

17 Q. Any diagnosis -- you're 34 now?

18 A. Uh-huh.

19 Q. So in the last 22 years, anybody else told  
20 you that you suffer from depression?

21 A. No.

22 Q. Are you being given any medications today  
23 for depression?

24 A. No. Bradley County put me on Zyprexa and  
25 Lithium and neither one of them worked for me.

1 Q. So you chose not to take those?

2 A. Yes.

3 Q. Have you told anybody here at the BOP  
4 facility that you have depression?

5 A. No.

6 Q. So you've not made that complaint to  
7 Forrest City medical professionals?

8 A. No.

9 Q. You have a Facebook page, right?

10 A. I did.

11 Q. You did.

12 A. The Feds have a Facebook page now.

13 Q. Why do you say that?

14 A. Because everything in my discovery come  
15 from my Facebook page, so the Feds have a Facebook  
16 page now.

17 Q. Do you -- does Mr. Stanford have your  
18 criminal discovery in your case?

19 A. All 5,000 pages.

20 MR. HOSS: Have we not requested that?

21 MR. STANFORD: I don't know if you did. I  
22 don't know if you requested discovery from his  
23 criminal matter.

24 THE WITNESS: I requested it once and it  
25 come in a computer printer box. Won't request that

1 again.

2 BY MR. HOSS:

3 Q. Let me show you --

4 MR. STANFORD: I might send that to you,  
5 just have to clear it with the US Attorney's office.  
6 They signed an agreement on that one. It was one of  
7 those turn-over-this-discovery kind of things. I  
8 don't --

9 (Off the record discussion.)

10 BY MR. HOSS:

11 Q. Mr. Koger, can you identify that as your  
12 Facebook message?

13 A. Yes.

14 Q. -- excuse me, the Facebook posts?

15 A. Yeah.

16 Q. All right. I'm going to mark that as --  
17 it's 44 pages, Exhibit 10.

18 (Exhibit Number 10 marked for identification.)

19 BY MR. HOSS:

20 Q. And these are dated beginning March 3rd,  
21 and it's chronological order and it goes backwards in  
22 time 2017 to January of 2016; is that accurate?

23 A. Uh-huh. Yes, sir.

24 Q. Okay. So just ask you a couple questions  
25 about some of these posts, there's a lot of Joker

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 172

1 posts?

2 A. Yes.

3 Q. Right?

4 A. Yes.

5 Q. Your one that you posted close to --  
6 closest to this incident with the high speed chase  
7 was March 3rd, 2017, and you posted this wolf  
8 picture, Mistake one, I'm not a sheep.

9 A. Uh-huh.

10 Q. What was your purpose for that?

11 A. Dealing drugs, you got people that try you  
12 up.

13 Q. That do what?

14 A. Try you up.

15 Q. What do you mean by try you up?

16 A. People that will set you up to be robbed,  
17 things like that. Sheep like -- we call them sheep  
18 or ducks, people go -- they call it going duck  
19 hunting. Set up a drug dealer to be robbed. I'm  
20 not -- I'm not going to be a victim.

21 Q. Yes, sir. So is this you telling -- who  
22 are you sending this message to?

23 A. I can't recall who it was to at the time.

24 Q. Was it to a person in particular?

25 A. Yeah.



1 MR. STANFORD: Object to form. Is it a  
2 post or a personal --

3 THE WITNESS: It's a post.

4 MR. STANFORD: Is that a message?

5 MR. HOSS: It's his profile pic.

6 MR. STANFORD: So it's a post on his  
7 profile?

8 BY MR. HOSS:

9 Q. It's his entire profile, you make that your  
10 profile picture. Do you know what that means?

11 A. Uh-huh.

12 Q. What does it mean?

13 A. It's profile picture. I mean --

14 Q. It's what everybody sees, right?

15 A. First page you see.

16 Q. And so you're sending that message to  
17 everybody?

18 A. No. It was to an individual. It was for  
19 an individual.

20 Q. But if everybody sees it, then so be it?

21 A. I mean, that's how rumors spread.

22 Q. That's how rumors spread?

23 A. You tell one person, then everybody knows.

24 Q. But the rumor you're trying to quash is  
25 that you're not a sheep?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 174

1 A. Yes.

2 Q. Or a duck, right?

3 A. Correct.

4 Q. The one before that was February 27th, and  
5 it's looks like Clint Eastwood and is biting a cigar.

6 Do you see that?

7 A. Uh-huh.

8 Q. Can you read what that one says?

9 A. Uh-huh.

10 Q. What's it says?

11 A. Says, I'm not mean. You're just a pussy  
12 that can't handle the same shit you dish out.

13 Q. Is that to anybody in -- that looks like it  
14 was posted as well. Is that to anybody in  
15 particular?

16 A. Nobody in particular.

17 Q. So someone responds, Rachel Ryder. Do you  
18 know Rachel?

19 A. Yes.

20 Q. Says, Asshole call me, business. See that?

21 A. Uh-huh.

22 Q. Is she -- what's she referring to, if you  
23 know?

24 A. (No audible response.)

25 Q. Was she involved --

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 175

1 A. Probably.

2 Q. In -- in the drug business with you, sir?

3 A. Yeah.

4 Q. This -- this post looks like it's dated  
5 before February 27th, 2017, Don't know what's worse,  
6 a snitch -- what's the rest of that?

7 A. Or the nigga hanging with a snitch.

8 Q. What's that supposed to mean?

9 A. People out there that I knew and told --  
10 and I told people that they told on me and, well --

11 Q. Here's one, looks like it was posted in  
12 February of 2017 too. Can you read what that one  
13 says?

14 A. I don't run, so if you see me running, you  
15 better run too because there's something coming.

16 Q. What does that mean?

17 A. If you see trouble coming, we're going to  
18 run.

19 Q. There's a response posted below that, last  
20 name Dodson. Is that your sister, Mandy Dotson?

21 A. Yes.

22 Q. She calls you her baby brother?

23 A. Yes.

24 Q. What does she say?

25 A. Says, Miss you, baby brother. I'll get

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 176

1 that snitch for you. Anything for my baby brother.

2 Q. Was there a snitch that was working against  
3 you during this time period in February 2017 that you  
4 had it out for?

5 A. Yeah.

6 Q. Let me show you this. There's another one.  
7 Picture, there's no words to it, but looks like maybe  
8 some bandanas of some sort. What is that, if you  
9 know?

10 A. 767.

11 Q. So that's bandanas in the shape of 767, the  
12 Ghost Face?

13 A. Uh-huh.

14 Q. That would have been in February of 2017?

15 A. Yes.

16 Q. Here's one from February 8th, 2017. Al  
17 Pacino?

18 A. Uh-huh.

19 Q. Who is he?

20 A. Scarface.

21 Q. No. That's in Godfather.

22 A. It is from the Godfather.

23 Q. It's the Godfather. What does it say?

24 A. I'm coming for everything they said I  
25 couldn't have.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 177

1 Q. And you posted that on your Facebook page  
2 as your profile pic, right?

3 A. I don't think so. Or is it?

4 Q. Take a look.

5 A. No. Just a picture.

6 Q. Just a normal picture and you posted. What  
7 did you mean by that?

8 A. That was the day my role as a Ghost Face  
9 Gangster got bigger.

10 Q. How?

11 A. I became what was known as a statewide  
12 violator.

13 Q. Okay.

14 A. Statewide violator is a job is -- if I had  
15 brothers that got out of -- got out of line, I was to  
16 -- same way we get in the gang, if you violate, then  
17 statewide violator comes to your city and we pick  
18 three of our brothers, three of your brothers to  
19 violate you for 33 seconds on whatever it is you  
20 violated for.

21 Q. So the same as being jumped in for the 76,  
22 but it lasts 33 seconds?

23 A. Yes.

24 Q. That's the punishment that you were tasked  
25 to dish out?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 178

1           A.     Yes. To pick the other three people to  
2 dish it out.

3           Q.     Okay. You picked the three people who are  
4 three-on-one with the violator?

5           A.     Yes.

6           Q.     For 33 seconds?

7           A.     Uh-huh.

8           Q.     And did you -- how many times did you have  
9 to do that between early February of 2017 and your  
10 arrest in March?

11          A.     Probably seven times.

12          Q.     Seven times. For what kind of violations?

13          A.     Well, we don't deal with -- we don't  
14 condone rape or anything that has to do with small  
15 children, things like that. So -- and we'll -- we're  
16 not going to call the police on you. We're your  
17 brothers, but things like that --

18          Q.     So that's a statewide position?

19          A.     Yes.

20          Q.     And what's the title again?

21          A.     Statewide violator.

22          Q.     Does it come with more compensation? Do  
23 you get more money?

24          A.     Yes.

25          Q.     You get what kind of raise?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 179

1           A.     You just -- you get more of a percentage  
2 really. You get 10 percent to like 15 percent of  
3 what one of your prospects is bringing in. It's not  
4 every prospect. It's just here and there.

5           Q.     Is that an honor?

6           A.     I was probably one of six highest ranked  
7 Ghost Face in the country.

8           Q.     In the United States?

9           A.     Yes.

10          Q.     How do you get that position?

11          A.     Earn it.

12          Q.     How did you earn it?

13          A.     Loyalty.

14          Q.     And as part of the loyalty, what is the  
15 Ghost Face's -- what is their --

16          A.     Mantra?

17                 THE REPORTER: Sorry?

18                 MR. HOSS: He's finishing my -- that's a  
19 good question.

20 BY MR. HOSS:

21          Q.     What is their mantra?

22          A.     Love, loyalty, honor, honesty,  
23 faithfulness, respect, and understanding.

24          Q.     What is does Ghost Face have -- what's  
25 their reputation with the police? What are they

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 180

1 supposed to do if they encounter police officers?

2 MR. STANFORD: Object to form.

3 THE WITNESS: What do you mean, what are we  
4 supposed to do?

5 BY MR. HOSS:

6 Q. I don't know. As a criminal gang -- it's a  
7 criminal gang, right?

8 A. Yes.

9 Q. So as a criminal gang, what is a member of  
10 Ghost Face supposed to do when they interact with the  
11 police?

12 A. Not supposed to interact with them.

13 Q. Okay. But if that happens, what's supposed  
14 to happen?

15 A. There's nothing really -- I mean --

16 Q. I don't want -- if I'm a member of the  
17 Ghost Face, right, and I don't want to get a visit  
18 from Mr. Koger, right, I don't want to violate and I  
19 interact with the police, what am I supposed to do?  
20 Are there expectations?

21 A. No. Just deny that you're a member.

22 Q. Just deny that you're a member?

23 A. Get yourself in trouble, don't get  
24 everybody in trouble.

25 Q. So this February 8th day of 2017, this Al



Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 181

1 Pacino post on your Facebook correlates to when you  
2 got this promotion?

3 A. Yes.

4 Q. There was one also -- one of your Joker  
5 posts, and it's posted -- there's not a specific date  
6 to it, but it's between January the 8th and February  
7 the 8th. Can you read me that?

8 A. Have you ever been so mad that you skipped  
9 past anger and went straight to laughing fucking  
10 lunatic?

11 Q. What does that mean?

12 A. Have you ever been so pissed off at  
13 somebody that you went from being mad at them to you  
14 really didn't know what to think about them.

15 Q. And some people responded to you down  
16 there, right?

17 A. Yeah.

18 Q. Your sister did?

19 A. Yes.

20 Q. What did she say?

21 A. You've done that several times, brother.

22 Q. So this is -- this is an accurate post  
23 about you?

24 A. Yeah.

25 Q. That you moved -- go past anger and go

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 182

1 straight to laughing?

2 A. Uh-huh.

3 Q. In November or December of 2016, you posted  
4 something, mental illness is an adventure?

5 A. Uh-huh.

6 Q. You kind of laughed right there. What --  
7 do you recall why you posted that?

8 A. Because it's -- you have your ups and downs  
9 every day. Every day is individual.

10 Q. Are you saying that you have a mental  
11 illness?

12 A. Yeah. I mean, I have PTSD. I go through  
13 it every day.

14 Q. You've been -- is that what Ms. Hayes has  
15 diagnosed you with?

16 A. Yes.

17 Q. November 18, 2016, read what you made your  
18 profile picture.

19 A. Fuck the police.

20 Q. With a picture of Joker. Why did you post  
21 -- make that your profile picture?

22 A. Because I'm not a fan.

23 Q. Why are you not a fan?

24 A. Just not a big fan. I mean, like I say, I  
25 was a gang member. They had their job and I had

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 183

1 mine.

2 Q. So what was your -- as a gang member, what  
3 was your job?

4 A. To get away with --

5 Q. Related to the police?

6 A. To get away with it.

7 Q. To get away with it?

8 A. Yeah.

9 Q. And that was three, four months before this  
10 high speed chase, right?

11 A. But I wasn't afraid of them at that point.

12 Q. No. I understand. One more quick  
13 question. That white Camero, if one of the officers  
14 reports it shows the owner as a Joshua Joseph  
15 Leonard?

16 A. Yes. I mean, I literally bought that care  
17 that day from the car lot, so his name is -- the  
18 title --

19 Q. You think that was the original owner that  
20 sold it to the car lot people?

21 A. Yeah. The title -- the title probably  
22 didn't have a chance to be--

23 Q. Do you know who Mr. Leonard is?

24 A. No idea.

25 Q. Never met him?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 184

1 A. Never met him.

2 MR. HOSS: I think I've moved all ten  
3 exhibits in.

4 MR. STANFORD: Okay.

5 MR. HOSS: That's all I got.

6 MS. MAINE: Can I just go real quickly  
7 because I have -- we can through it or we can decide  
8 about coming back. He did a very thorough job, but I  
9 just need to hit the highlights.

10 CROSS-EXAMINATION

11 BY MS. MAINE:

12 Q. Mr. Koger, as I mentioned to you at the  
13 beginning, I'm representing the three Oglethorpe  
14 officers that you've sued. Do you know the -- Dylon  
15 Floyd, James Davis, and STEPHEN Bagley? Do you know  
16 any of them?

17 A. No, ma'am.

18 Q. Have you ever met them to your knowledge  
19 before this event?

20 A. No, ma'am.

21 Q. Okay. If they walked in here today, would  
22 you know who they were?

23 A. No, ma'am.

24 Q. Do you have any idea what any of the three  
25 of them, what their roles were at your arrest site?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 185

1 A. No, ma'am. Other than --

2 Q. I mean, you don't know where they were at  
3 any given time?

4 A. No, ma'am.

5 Q. Okay. And if we did show you a video, you  
6 wouldn't be able to -- you wouldn't recognize them?  
7 You wouldn't be able to point them out, would you?

8 A. No, ma'am.

9 Q. You had -- when we were talking about the  
10 Ghost Face Gangsters, you mentioned that you're not a  
11 gang member anymore?

12 A. No, ma'am.

13 Q. And that you considered that because you  
14 were in a gang, that's why you're here?

15 A. Yes, ma'am.

16 Q. What's -- tell me what -- what --

17 A. No. It's not because I'm in a gang that  
18 I'm here. It's because -- 13 people on my  
19 conspiracy, 7 of them were Ghost Face. Well, 6 of  
20 those Ghost Face told on me.

21 Q. Okay. And they told on you after you were  
22 arrested?

23 A. Yes.

24 Q. So they got you into the conspiracy, as  
25 opposed to just a possession?

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 186

1           A.     Yes. I would have had possession of --  
2 possession of firearm until Michael Glass got  
3 arrested.

4           Q.     And you didn't -- you didn't tell on  
5 anyone?

6           A.     No, ma'am.

7           Q.     And you how do you know that six of them  
8 told?

9           A.     They've all admitted it.

10          Q.     Oh, they did?

11          A.     Yeah. I mean, and now there's a RICO case  
12 that's pending from one of them's told.

13          Q.     Did -- and you mentioned, I believe, that  
14 Robin--

15          A.     Johnson.

16          Q.     Yes. That -- that your daughter, Cheyenne,  
17 believes that Robin told on you?

18          A.     Yes.

19          Q.     So why does she believe that?

20          A.     She -- she said her mom -- because since --  
21 since I've seen her, she said her mom went to the  
22 bathroom -- went to the bathroom, made a phone call  
23 and said, He's leaving, he's leaving. And then I got  
24 hit.

25          Q.     You were going -- we're jumping around a

1 little bit, so I'm sorry.

2 Let's go back to right before your car ran  
3 out of gas. It just -- it sounded like you were  
4 saying you're going 65 and the engine cuts off and  
5 right at that time, you hit, I guess, like a curb?

6 A. Yeah. Came up on the curb.

7 Q. Okay. So you're going 65 when you hit  
8 that?

9 A. Yes.

10 Q. And then you go up over it?

11 A. Yes.

12 Q. And you didn't hit, like, the window or hit  
13 anything in the car?

14 A. No. It didn't launch me. I just come up  
15 over it.

16 Q. And then you stopped? How far beyond where  
17 the light post was did you stop?

18 A. Probably 100 foot past where the light post  
19 is.

20 Q. Which of your knees is hurt?

21 A. My left.

22 Q. And tell -- does it swell up? Was there --  
23 were there any cuts?

24 A. No cuts or anything. Just pops real bad,  
25 and going up and down stairs is rough with it.

Phillip Koger  
Koger, Phillip Vs. Carson, Gregory

May 21, 2019

Page 188

1 Q. And when did it start hurting?

2 A. It's been a while.

3 Q. But when did it start? When did it first  
4 start? I mean, was it before the -- before you were  
5 arrested?

6 A. No.

7 Q. Did you have any back problems before you  
8 were arrested?

9 A. Never.

10 Q. What about any neck problems before you  
11 were arrested?

12 A. Never.

13 Q. Did you ever go to a doctor, let's say in  
14 the five years before you were arrested?

15 A. Never.

16 Q. Okay. You had mentioned some of the  
17 treatment that you're getting more -- relatively  
18 speaking, you're getting more treatment here than you  
19 have so far?

20 A. Yes.

21 Q. Did you -- and I believe you said you were  
22 not getting any -- you had not made a complaint about  
23 any mental health problems as of yet, have you?

24 A. With they -- they know that I was on  
25 Zyprexa and Lithium and they asked me if I wanted to



1 continue on medication and I told them no. I haven't  
2 told them that -- I mean, the depression was when I  
3 was -- since I've been here -- just compared to where  
4 I was at, this is great improvement.

5 Q. So you are you on any medication right now?

6 A. Ibuprofen 800-milligram, and Prednisone.

7 Q. What's the Prednisone?

8 A. She's trying to get my strength in my  
9 muscle back in the elbow. She thinks it may be  
10 because of pinched nerves. She's trying to see if it  
11 can help me get some muscle back to it.

12 Q. Do you get to work out?

13 A. No.

14 Q. There's no ability to do that?

15 A. No. I -- I don't -- I can't do pushups or  
16 run or anything like that.

17 Q. Let me --

18 MS. MAINE: You guys go, and want to -- if  
19 there is any time, I've got some.

20 CROSS-EXAMINATION

21 BY MR. EXUM:

22 Q. Mr. Kroger, my name is Jim Exum and I  
23 represent Todd Cook. Do you know who Todd Cook is?

24 A. No, sir.

25 Q. Have you ever met Todd Cook before this

1 incident?

2 A. No.

3 Q. In fact, you wouldn't know who he was,  
4 would you?

5 A. No, sir.

6 Q. All right. I want to ask you, did your  
7 airbag deploy --

8 A. No, sir.

9 Q. -- in the crash?

10 A. No. The airbag was taken out.

11 Q. Did you have a cell phone with you?

12 A. Two.

13 Q. Were you making any calls during the chase?

14 A. No.

15 Q. How did you know that there were spike  
16 strips on the ground?

17 A. Because I seen them.

18 Q. Had you seen spike strips before?

19 A. Yes.

20 Q. How many other times had you seen them?

21 A. A couple. Two or three.

22 Q. This incident back in Sequatchie County  
23 back in March of '16, where you were charged with  
24 resisting arrest, what did they accuse you of to  
25 charge you with that?

1           A.       That's just where she took off and that was  
2       the only -- first time I seen spike strips. She took  
3       off down Fredonia Road, come up to a dead end road  
4       that ends in a cow pasture.

5           Q.       But when you got -- when you were out of  
6       the vehicle, did you resist officers then?

7           A.       No.

8           Q.       Your time as a Ghost Face gangster, when  
9       you were responsible for initiating these 30  
10      prospects that you brought in, did you fight with  
11      them as part of the initiation?

12          A.       Yes.

13          Q.       Did you ever suffer any injuries during  
14      those 30 times?

15          A.       No.

16          Q.       So your testimony is that during these 30  
17      times and one time you were initiated, you never  
18      suffered an injury?

19          A.       Never.

20          Q.       Anybody ever land a punch on you?

21          A.       Yes. But never been injured.

22          Q.       Okay. During your MMA fighting, did you  
23      ever suffer any injuries?

24          A.       Never.

25          Q.       When you were running from the police in

1 this incident, what narcotics had you taken?

2 A. None.

3 Q. Had you drank any alcohol?

4 A. Never.

5 Q. Were you on any prescription medication?

6 A. No.

7 Q. You know where Mr. Cook was during this  
8 incident?

9 A. No.

10 Q. And hand your attorney a copy of your  
11 discovery responses.

12 MR. EXUM: I don't know if we needed to do  
13 this now, because I need him to verify those.

14 MR. STANFORD: Just -- I would like to get  
15 it done now. I'm not going to be back down here.

16 MR. HOSS: Let's jump to her and we can do  
17 that at the end, if you need to stop for just a  
18 second.

19 CROSS-EXAMINATION

20 BY MS. HAVLIK:

21 Q. Mr. Koger, I'm going to ask some of the  
22 same questions that these folks did. I represent  
23 Mr. Lawson and he's the Catoosa County lieutenant who  
24 was there. Same questions that they asked. You  
25 don't know Mr. Lawson?

1 A. No.

2 Q. You wouldn't be able to recognize him if  
3 you saw him?

4 A. I may. I'm from Catoosa County. I know a  
5 couple of them. I may recognize Lawson if he walked  
6 in. I wouldn't know him by name. I know Gary Sisk  
7 and Larry Black and --

8 Q. Okay. And -- and when you say you might  
9 know him if he walked in, you mean you might  
10 recognize his face?

11 A. I might recognize his face, but I wouldn't  
12 know him by name.

13 Q. How do you know Gary Sisk?

14 A. I grew up in Catoosa County. And them  
15 guys, all those guys, my whole life I known them.

16 Q. So would you say you know -- you recognize  
17 their face, but do you know them personally?

18 A. Yes. I would know them personally.

19 Q. From an encounter where you've been  
20 arrested with them?

21 A. No. No. Good encounter. Larry Black was  
22 my little league coach growing up. He coached my  
23 little league -- I lived with Phil in the summers for  
24 like four years during the summers.

25 Q. I see. Okay. How about a Jesse Keener?

1 A. No.

2 Q. And the lieutenants Anthony Lawson, so that  
3 name doesn't ring a bell?

4 A. No, ma'am.

5 Q. And but are you familiar with the Catoosa  
6 County sheriff department uniforms.

7 A. Yeah.

8 Q. What color are they?

9 A. Brown.

10 Q. Brown?

11 A. The light brown shirt.

12 Q. And do you remember seeing any -- anyone in  
13 that type of uniform at the on night of this --

14 A. No, ma'am. Not that I -- I mean, I wasn't  
15 looking for colors. The only color I seen was black.

16 Q. You mean the only color, you say --

17 A. I did see -- I did see a white Catoosa cop  
18 car.

19 Q. You saw a patrol car?

20 A. Yes.

21 Q. But not necessarily who was driving it?

22 A. Correct.

23 Q. Okay. And would it be fair to say then  
24 that you don't know where Lawson was?

25 A. Right.

1 Q. And of course, you don't know what he was  
2 able to see or not see?

3 A. Correct.

4 Q. Okay. The when you were doing the MMA  
5 fighting --

6 A. Yes, ma'am.

7 Q. -- what was the organization that you  
8 arranged the fights with?

9 A. I fought for WFA. I fought for -- I done  
10 cage and IFA.

11 Q. Do they do any sort of physical to clear  
12 you to fight?

13 A. Yes. You have to get checked for STDs and  
14 checked by a doctor before every fight.

15 Q. Before you can --

16 A. Yes.

17 Q. What is that process?

18 A. What they -- they do a physical. They make  
19 sure you're -- make sure you don't have any  
20 concussion, contusions, or anything like that, no  
21 lacerations, no wounds or anything like that before  
22 the fight. If you have anything, they fix them.

23 Q. Now, so would that be something that is  
24 done in advance of the fight?

25 A. Yes.

1 Q. And who would you go to? Which doctor  
2 would you go to for --

3 A. They have a doctor on site to -- so you  
4 don't have any open wounds, things like that.

5 Q. So it's someone through the organization?

6 A. Yes.

7 Q. And they all used to do that process?

8 A. Yes.

9 MS. HAVLIK: Turn it back over to Dan.

10 RECROSS EXAMINATION

11 BY MS. MAINE:

12 Q. With the -- did you ever get any -- have to  
13 have any stitches afterward in the fights?

14 A. No.

15 Q. Have you ever had stitches before?

16 A. Probably my palm of my hand.

17 Q. I'm sorry?

18 A. Palm of my hand.

19 Q. What's that from?

20 A. Gunshot wound.

21 Q. You got shot in --

22 A. I shot myself in an accident cleaning a 9  
23 mm pistol.

24 Q. And then any other stitches?

25 A. No.



1 MR. EXUM: I'd like for him to review the  
2 responses and --

3 MR. STANFORD: They're two questions in  
4 there that I wasn't able to answer. Because of that,  
5 do you want to ask him those on the record here?  
6 That might take care of those.

## RE CROSS EXAMINATION

7  
8 BY MR. EXUM:

9 Q. I wanted to ask you, Interrogatory 9, what,  
10 if anything, did you do before the incident that you  
11 cannot do now?

12 A. Exercise. Other than that, nothing really.

13 Q. And you don't exercise here at the prison  
14 at all?

15 A. No.

16 Q. Interrogatory Number 20, detail all action  
17 you took from the moment of Bennett --

18 THE REPORTER: I'm sorry, I can't hear you.

19 BY MR. EXUM:

20 Q. Please detail all action you took from the  
21 moment the deputy pulled you over until you left the  
22 scene under arrest? I think we've answered that one  
23 exhaustively today.

24 So if you would -- well, somewhat. We're  
25 up to the point where you said you got kicked in the

1 head. You don't remember anything after that,  
2 though?

3 A. No.

4 Q. Okay. You don't know -- if you were  
5 resisting you have no idea?

6 A. No. I know I wasn't -- I -- I can't say  
7 that I wasn't because I -- even though I know I  
8 wasn't, I can't say I wasn't because I was semi  
9 unconscious.

10 Q. Okay. If you would, review the rest of  
11 those for me.

12 (Off the record.)

13 BY MR. EXUM:

14 Q. Are those responses accurate?

15 A. Yes, sir.

16 Q. Okay.

17 MR. STANFORD: You got them there?

18 (Exhibit Number 11 marked for identification.)

19 THE REPORTER: Can I get your orders on the  
20 record?

21 MS. MAINE: I would like an order of the  
22 copy of the transcript, however we normally get it.

23 MR. STANFORD: I'm going to -- I'm going to  
24 hold off.

25 MR. HOSS: Electronic with the exhibits.

Page 199

1 MR. EXUM: Electronic with exhibits.  
2 MS. HAVLIK: Electronic with exhibits.  
3 (Whereupon the deposition was concluded at  
4 3:01 p.m.)  
5  
6  
7  
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## 1 REPORTER'S CERTIFICATE

2 STATE OF ARKANSAS )

) ss

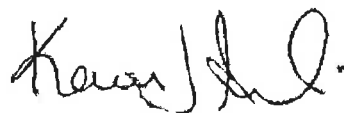
3 COUNTY OF FAULKNER)

4 I, KARISA J. AEBI, Certified Court Reporter,  
5 Registered Professional Reporter in and for the State  
6 of Arkansas, do hereby certify that PHILLIP KOGER was  
7 duly sworn by me prior to the taking of testimony as  
8 to the truth of the matters attested to and contained  
9 therein; that the testimony of said witness was taken  
by me in stenotype and was thereafter reduced to  
typewritten form by me or under my direction and  
supervision; that the foregoing transcript is a true  
and accurate record of the testimony given to the  
best of my understanding and ability.

10 I FURTHER CERTIFY that I am neither counsel  
11 for, related to, nor employed by any of the parties  
12 to the action in which this proceeding was taken;  
13 and, further, that I am not a relative or employee of  
14 any attorney or counsel employed by the parties  
15 hereto, nor financially interested, or otherwise, in  
16 the outcome of this action; and that I have no  
17 contract with the parties, attorneys or persons with  
18 an interest in the action that affects or has a  
substantial tendency to affect impartiality, that  
requires me to relinquish control of an original  
deposition transcript or copies of the transcript  
before it is certified and delivered to the custodial  
attorney, or that requires me to provide any service  
not made available to all parties to the action.

17 IN ACCORDANCE with Rule 30(e) of the Rules of  
18 Civil Procedure, review of the transcript was not  
requested.

19 GIVEN UNDER MY HAND and SEAL OF OFFICE on this  
20 3rdst day of June, 2019.



23 Karisa Aebi, CCR, RPR LS #802  
24 Notary Public in and for  
Faulkner County, Arkansas  
Commission No. 12704567  
25 Exp. 06-18-2028

[&amp; - 30]

Page 1

<b>&amp;</b>	<b>12704567</b> 200:24	<b>196</b> 4:5	49:5 120:2 128:25
<b>&amp;</b> 2:10,15,20 3:5	<b>12:00</b> 101:1	<b>197</b> 4:6	171:22 182:3,17
19:25 20:1 21:12	<b>12th</b> 29:1,11 37:15	<b>199</b> 4:22	<b>2017</b> 4:19 11:13
22:2 26:24 27:7	<b>13</b> 39:20 40:9	<b>1998</b> 10:21 130:8	12:5,12 22:24
<b>0</b>	41:13,13 45:23	130:24	23:10 26:21 36:11
<b>00053</b> 1:6	185:18	<b>2</b>	43:20 49:5,13
<b>03</b> 42:10	<b>135</b> 55:8	<b>2</b> 4:11 23:15 66:9	53:24 55:10 58:16
<b>04</b> 42:10	<b>137</b> 52:19 58:1,5	66:10,13 67:23	58:18 66:8 89:7
<b>06-18-2028</b> 200:25	58:11 62:17	<b>2,000</b> 90:17	127:25 129:1
<b>09</b> 42:19	<b>14</b> 13:12,13 25:5	<b>20</b> 160:4,5 197:16	136:18 141:4
<b>1</b>	130:10,11 134:19	<b>20,000</b> 35:16	143:8 152:20
<b>1</b>	134:20	<b>200</b> 2:21 4:7	153:2 160:1 166:3
<b>1</b> 4:9 8:19,22 9:4	<b>1400</b> 5:4	<b>2000</b> 39:20	166:6 171:22
9:23 10:2 27:15	<b>148</b> 4:18	<b>2001</b> 20:17	172:7 175:5,12
36:7,8 48:22,23	<b>15</b> 25:16 36:24	<b>2002</b> 20:17	176:3,14,16 178:9
49:1 50:12 53:15	54:23 55:6 76:1	<b>2003</b> 10:24,25 42:8	180:25
53:20 54:10	89:8 121:5 130:10	<b>2004</b> 37:1 42:8	<b>2019</b> 1:19 5:6
<b>1,000</b> 58:25 60:21	130:11 133:18	<b>2005</b> 38:2,17	56:20 154:25
<b>1,800</b> 94:5,6	134:9,18 135:11	<b>2006</b> 38:19	200:19
123:10	179:2	<b>2007</b> 10:21 26:25	<b>2030</b> 56:11,18
<b>10</b> 4:21 20:21	<b>151</b> 4:20	27:1 134:19	<b>2031</b> 14:8
25:18,19 123:8	<b>153</b> 4:19 81:1,9,16	<b>2008</b> 39:20 45:23	<b>20s</b> 37:11
171:17,18 179:2	<b>155</b> 4:20	46:2	<b>21</b> 1:19 5:6 37:1
<b>10,000</b> 29:2 31:7	<b>15th</b> 25:2	<b>2011</b> 18:25 20:20	74:18,19,20
<b>10-2</b> 42:19	<b>16</b> 43:5 89:8,9,10	21:9 26:25 46:17	<b>22</b> 86:24 87:6,19
<b>10-30</b> 56:19	190:23	47:12	94:8 169:19
<b>100</b> 2:16 57:17,17	<b>1600</b> 2:16	<b>2012</b> 18:25 20:20	<b>24</b> 28:14 146:11
57:18,20 58:5,7,15	<b>17</b> 74:10	21:9 60:4,17 75:9	<b>24th</b> 46:17
187:18	<b>172</b> 4:21	<b>2013</b> 22:3 27:5,7	<b>250</b> 125:7,8,11,14
<b>100,000</b> 31:6	<b>17th</b> 126:3	134:19,20	<b>260</b> 57:11,12
<b>103</b> 2:5	<b>18</b> 10:17,22 41:8	<b>2014</b> 22:1,3,11	<b>27</b> 24:22 25:10
<b>10th</b> 28:16	42:24 74:10	25:4,8 27:4,5,7	<b>27th</b> 174:4 175:5
<b>11</b> 4:22 166:17	182:17	28:17 35:10 44:19	<b>29th</b> 38:19
169:15 198:18	<b>180</b> 54:5,23 56:6	121:5	<b>3</b>
<b>11-13-1984</b> 6:10	102:7 123:11	<b>2015</b> 16:9 23:20	<b>3</b> 4:2,13 66:9,10,14
<b>11-25-2000</b> 41:7	<b>1800</b> 60:23 72:14	24:12,25 25:2	67:23
<b>11-4</b> 135:2	<b>184</b> 4:4	27:4 37:15 45:5	<b>3,000</b> 85:14 90:17
<b>11:56</b> 96:7	<b>189</b> 4:4	120:2 126:5 129:1	136:15
<b>12</b> 166:17 167:5	<b>18th</b> 154:25	<b>2016</b> 22:14,16,19	<b>30</b> 87:22 128:17,18
169:15	<b>192</b> 4:5	29:2,11 32:20	129:6,13 133:14
		33:4,6,14 34:5	133:16 191:9,14

[30 - accurate]

Page 2

191:16 200:17	<b>5</b>	177:21	<b>931-954-5577</b> 2:6
<b>303</b> 3:5	<b>5</b> 4:2,18 26:24	<b>767</b> 119:18,19	<b>94</b> 85:12
<b>30308</b> 3:6	48:10,11,15	120:17,19,21,22	<b>95</b> 12:7,17
<b>30339</b> 2:16	<b>5,000</b> 123:16	120:24 151:10	<b>97</b> 62:10,16,18
<b>30th</b> 44:19	170:19	176:10,11	<b>98</b> 62:10 130:9
<b>33</b> 12:9 13:14,23	<b>50</b> 142:25	<b>770-818-1408</b> 2:17	<b>99</b> 62:10
177:19,22 178:6	<b>500</b> 2:21 49:2	<b>7a</b> 81:8,9,12	<b>9:45</b> 88:10
<b>34</b> 6:12 14:17	<b>50s</b> 17:1	<b>7th</b> 45:5 58:16	<b>9th</b> 4:19 11:13
169:17	<b>52</b> 60:15	59:23 71:5,5,7	12:5 22:24 23:10
<b>35</b> 99:19	<b>5k1</b> 55:8	73:4 76:19 77:13	36:11 43:20 49:16
<b>3500</b> 3:5	<b>5th</b> 73:7,8,9	83:15	49:21,21 53:24
<b>3511</b> 12:7,17	<b>6</b>	<b>8</b>	55:10 66:8 68:2
<b>37</b> 14:17	<b>6</b> 4:3,18 120:23	<b>8</b> 4:9,20 25:18,19	68:10,15 127:25
<b>37355</b> 2:6	124:13 147:23,24	48:22,23 49:9,12	136:18 143:7
<b>37402</b> 2:22	148:11 150:7	49:15 50:12 53:15	152:20 153:2
<b>37403</b> 2:11	152:2,7 185:19	54:13 151:23	155:10 160:1
<b>38</b> 14:17	<b>6'2</b> 125:7,8,11,14	152:3,8 155:2,3	<b>a</b>
<b>380</b> 94:15,16,23	<b>60</b> 140:7,8 160:11	157:14 159:15	<b>a.m.</b> 5:6 152:21
156:20	<b>600</b> 64:3,4,5	<b>8,000</b> 135:11	<b>ability</b> 189:14
<b>3:01</b> 199:4	<b>60s</b> 17:1,2	<b>800</b> 60:24 189:6	200:9
<b>3rd</b> 56:11,18	<b>65</b> 105:7,9,12	<b>802</b> 1:25 200:23	<b>able</b> 18:12 130:18
171:20 172:7	106:9 187:4,7	<b>824</b> 200:22	138:2 163:15
<b>3rdst</b> 200:19	<b>650</b> 64:5,5	<b>85</b> 56:17	164:6 185:6,7
<b>4</b>	<b>66</b> 4:11,13,15	<b>850</b> 2:10	193:2 195:2 197:4
<b>4</b> 4:15 66:9,10,17	<b>662</b> 28:21 82:20	<b>8:00</b> 80:12	<b>academy</b> 17:15
67:23	<b>6th</b> 46:2 58:17,18	<b>8:30</b> 80:12	<b>accelerated</b>
<b>40</b> 86:24 87:6	59:23 72:2 73:8,9	<b>8th</b> 32:20 33:6,14	102:11
94:10	<b>7</b>	34:5 49:13,17,18	<b>accepted</b> 53:4
<b>40,000</b> 24:15 25:9	<b>7</b> 4:19 48:23,24	68:2,6,14 80:6	<b>accident</b> 143:7
<b>404-885-1400</b> 3:6	119:20,21 120:22	127:25,25 142:20	159:11 196:22
<b>41</b> 102:19,19	120:23 121:2	143:7 176:16	<b>account</b> 157:13
103:14 104:1,3	124:11 151:23	180:25 181:6,7	<b>accountable</b> 57:10
<b>423-825-9747</b> 2:11	152:8,23,24	<b>9</b>	<b>accurate</b> 9:16,23
<b>44</b> 171:17	185:19	<b>9</b> 4:20 150:22,23	26:25 27:2 52:4
<b>45</b> 86:17 140:7	<b>70</b> 105:12,13	151:1,10,23 152:5	52:15,25 53:3,11
<b>454</b> 63:1	158:13 159:9,12	152:17 196:22	67:11 74:12 96:8
<b>471</b> 16:21,23	<b>704-332-5583</b> 2:22	197:9	99:18 148:7,17
<b>48</b> 58:8 69:3 73:6	<b>76</b> 121:20 124:7,9	<b>90</b> 98:6,21 99:19	149:3,25 157:17
<b>49</b> 4:18	124:10 125:16	146:11	158:10 171:22
<b>4:18</b> 1:6	126:13 129:6		181:22 198:14
			200:8

<b>accurately</b> 75:3 <b>accuse</b> 190:24 <b>accusing</b> 35:5 65:25 66:1 <b>acquired</b> 63:23 69:17,18 <b>action</b> 1:6 161:17 197:16,20 200:10 200:12,13,16 <b>active</b> 77:12,17 142:21 <b>activities</b> 55:15 95:19 <b>activity</b> 122:12 <b>actual</b> 49:3 <b>adam</b> 4:19 147:14 148:2 150:14 <b>addict</b> 72:22,25 <b>addicted</b> 74:5 <b>addiction</b> 74:7 <b>adding</b> 58:5 <b>additional</b> 58:11 <b>address</b> 12:14 19:12 26:4,4 47:9 <b>admissions</b> 4:13 66:14 <b>admit</b> 10:1 37:24 53:18 148:11 152:7 <b>admitted</b> 48:16 57:13,20 67:23 126:8 148:13 151:24 152:10,12 152:14,18 186:9 <b>adriann</b> 40:19,21 41:10 42:12 43:25 <b>adriann's</b> 41:6,20 <b>adult</b> 43:2 <b>advance</b> 195:24 <b>adventure</b> 182:4	<b>aebi</b> 1:25 200:4,23 <b>affect</b> 32:4 200:14 <b>affiliated</b> 126:21 127:5 <b>affiliation</b> 127:21 <b>affirmatively</b> 127:19 <b>afraid</b> 165:16 183:11 <b>afterward</b> 196:13 <b>age</b> 6:2 13:12 130:11 <b>agent</b> 148:2,3,13 148:19 149:13,23 150:2,11,19 <b>agents</b> 95:1 <b>aggravated</b> 134:13 <b>ago</b> 8:15 154:25 <b>agree</b> 53:16,22 97:3 127:24 151:20 157:3,24 159:12 <b>agreed</b> 59:10,11 <b>agreeing</b> 50:15 <b>agreement</b> 50:5,8 50:11,20,25 51:1 51:10,12,20 52:7,8 52:10,25 53:5,10 171:6 <b>ahead</b> 19:17 50:17 80:14 84:9 <b>airbag</b> 190:7,10 <b>airborne</b> 105:19 <b>al</b> 176:16 180:25 <b>alabama</b> 14:12 <b>alcohol</b> 76:15 157:15 192:3 <b>alive</b> 13:5 <b>allegation</b> 163:10 <b>allowed</b> 99:20 126:9	<b>almeida</b> 131:5,9 <b>alphabet</b> 120:22 124:14 <b>alternative</b> 17:17 <b>amateur</b> 11:6 136:13 <b>amendment</b> 34:2 <b>america's</b> 131:18 131:20 135:15 <b>amount</b> 58:11 63:24 64:6 <b>amounts</b> 59:7 61:2 <b>anderson</b> 46:17 <b>anger</b> 181:9,25 <b>annette</b> 13:20 15:2 <b>anniversary</b> 41:12 <b>answer</b> 7:20 8:16 9:22 10:5 50:19 52:17 59:17 165:14 197:4 <b>answered</b> 197:22 <b>answering</b> 52:13 <b>answers</b> 7:18 8:23 9:5,15 27:22 63:20 66:20 67:8 121:13 143:4 <b>anthony</b> 1:10 3:3 4:14 66:15 194:2 <b>anxiety</b> 163:20,21 <b>anybody</b> 10:4 21:4 128:14 138:3 162:18 163:14 169:19 170:3 174:13,14 191:20 <b>anymore</b> 43:8 167:20 185:11 <b>apologize</b> 66:4 <b>apparently</b> 8:9 <b>appeals</b> 56:5 <b>appear</b> 31:14 148:7 153:2,5	<b>appearances</b> 2:1 3:1 <b>appreciate</b> 118:14 <b>approximate</b> 16:6 <b>approximately</b> 57:18 63:2 <b>april</b> 25:1 49:5 56:11,18 <b>area</b> 102:8 135:17 <b>areas</b> 99:20 163:2 <b>arena</b> 135:20 136:2 <b>argument</b> 42:5 <b>arkansas</b> 1:18 5:5 6:17 200:2,5,24 <b>arm</b> 117:19 118:23 119:3 130:21 <b>armed</b> 95:4 <b>arms</b> 107:21 117:21 120:15 142:5,7 163:4,5 <b>arrange</b> 140:14 141:9 <b>arranged</b> 195:8 <b>arrest</b> 16:13 29:3 43:10,11 144:12 157:23 178:10 184:25 190:24 197:22 <b>arrested</b> 30:12 31:3 33:11 35:3 35:25 37:25 38:12 46:12 55:9 77:19 134:12 185:22 186:3 188:5,8,11 188:14 193:20 <b>arresting</b> 37:24 <b>arrive</b> 80:11 87:25 <b>arriving</b> 155:22
--	--	--	---



[art - big]

Page 4

<b>art</b> 130:23	<b>attorney's</b> 171:5	157:10,14 160:10	<b>battery</b> 38:20
<b>artist</b> 69:18 92:22	<b>attorneys</b> 6:25	160:11,16,18,21	39:12,22 45:23,24
93:15	59:12 154:24	160:25 161:9,10	46:17 134:13
<b>arts</b> 130:15 133:19	200:13	161:19 163:3	<b>battlefield</b> 17:20
<b>ashley</b> 29:18	<b>audible</b> 174:24	184:8 187:2 188:7	<b>bay</b> 16:3 19:13
<b>aside</b> 51:2,3 52:9	<b>august</b> 39:20	189:9,11 190:22	<b>beat</b> 11:6 130:18
<b>asked</b> 8:2,8,17	45:23	190:23 192:15	143:18
11:11 23:14 27:17	<b>aunt</b> 12:25 13:1,7	196:9	<b>bed</b> 112:9
47:7 52:3 53:3,4	16:17 78:21	<b>background</b> 17:14	<b>began</b> 10:21 21:9
63:18,19 69:2	<b>auto</b> 85:2	<b>backing</b> 127:14,15	<b>beginning</b> 22:16
77:13 129:23	<b>available</b> 200:16	<b>backpack</b> 64:15	22:18 26:21
188:25 192:24	<b>aware</b> 162:16	64:16,20	171:20 184:13
<b>asking</b> 8:16 19:15	<b>b</b>	<b>backseat</b> 137:13	<b>behalf</b> 1:17
29:1 73:5 117:1	<b>b</b> 4:1 20:7,7 33:19	<b>backwards</b> 153:11	<b>believe</b> 148:3
<b>ass</b> 98:18 138:15	<b>baby</b> 175:22,25	171:21	186:13,19 188:21
<b>assault</b> 46:17	176:1	<b>bad</b> 15:9,9 18:4	<b>believes</b> 186:17
134:13	<b>back</b> 9:18 13:18	98:18 107:5	<b>bell</b> 194:3
<b>assessed</b> 31:19	22:8,9,11 27:19	138:20 159:17	<b>belonged</b> 92:9
<b>assessing</b> 31:24	29:8 31:12 33:9	168:18 187:24	<b>belongings</b> 69:16
<b>asshole</b> 174:20	43:24 52:23 62:22	<b>badge</b> 163:14,22	<b>belt</b> 132:19,25
<b>associate</b> 152:11	63:24 65:1,1 67:9	<b>bag</b> 64:11,13	133:1,2,3,4,5,10
<b>association</b> 129:4	69:10,12 70:4,12	<b>bagley</b> 1:8 2:13	133:11,13,16,17
<b>assuming</b> 45:16	72:5 76:17 78:10	184:15	134:3
74:11 131:24	78:14,22,25 79:10	<b>bagley's</b> 4:17	<b>belts</b> 132:22
<b>ate</b> 87:23	80:4,11 81:12	66:17	<b>benefit</b> 128:2
<b>atf</b> 95:1	84:5,20,20 85:23	<b>ball</b> 160:21	<b>bennett</b> 96:6 98:20
<b>atlanta</b> 2:16 3:6	85:23 86:14 87:19	<b>bandanas</b> 64:18	102:1 103:20
72:2,4,16 135:20	87:23 88:9 89:12	176:8,11	197:17
136:3	91:7,17,20 94:19	<b>bangs</b> 163:19	<b>best</b> 9:23 37:7 42:9
<b>attack</b> 168:19,22	97:18,20,21,21	<b>banks</b> 97:22,23,24	53:11 81:6 88:8
<b>attacks</b> 168:3,5,12	99:13 101:10,11	97:25,25 98:22	93:1,3 126:1
169:4,7	102:9,18,19 103:1	99:1,19	139:11,20 140:6
<b>attempted</b> 102:8	103:1,5,12,13	<b>barbs</b> 114:11	200:9
<b>attempting</b> 99:22	104:3 107:19	<b>bars</b> 130:21	<b>better</b> 57:15 61:10
102:7	109:23 110:3,9,13	<b>based</b> 31:24 57:6	137:18 142:8
<b>attended</b> 17:14	110:16,24 111:21	<b>basis</b> 50:8,11,16	175:15
<b>attested</b> 200:6	112:8 117:8 125:9	51:17,19 52:1,4,7	<b>beyond</b> 187:16
<b>attitude</b> 18:4	126:16 139:24	52:10,25 53:10	<b>bicep</b> 118:24
<b>attorney</b> 2:4,9,15	140:2,10 142:12	59:13 75:5,6	<b>big</b> 64:13 89:24
2:20 3:4 8:6 67:7	142:14 143:15,15	<b>bathroom</b> 186:22	90:3,11,14 111:17
192:10 200:11,16	144:23,25 156:22	186:22	118:3 123:18



[big - car]

Page 5

125:5 126:9 139:10 182:24 <b>bigger</b> 130:18 177:9 <b>birth</b> 6:9 41:6 42:18 44:4,18 45:4 <b>bit</b> 122:7,12 123:23 129:24 187:1 <b>biting</b> 174:5 <b>black</b> 109:20 132:19 133:4,5,10 133:11,13,17 134:3 140:19 146:25 193:7,21 194:15 <b>blacked</b> 144:5 <b>blaming</b> 166:5 <b>blanked</b> 70:14 <b>blaylock</b> 132:13 134:13 <b>blaylock's</b> 132:7 132:15 <b>bleeding</b> 156:5,8 156:11 <b>block</b> 102:8 <b>blue</b> 29:23 34:20 34:22 49:19,20 68:3 69:22 79:9 96:4,22,23 101:6 <b>blvd</b> 2:21 <b>boat</b> 37:7 <b>body</b> 77:8 98:15 111:19,20,22 112:15 114:14 142:10,14,15 163:2 <b>bond</b> 31:3,5 32:19 35:15 36:2	<b>bonding</b> 35:18 <b>bones</b> 162:7 <b>bonny</b> 80:23,23,24 80:24 81:17,18 <b>book</b> 117:25 <b>booked</b> 37:6 <b>books</b> 131:1 <b>boot</b> 113:9 <b>bop</b> 11:25 31:19 31:23 56:8 127:18 142:2 161:1 170:3 <b>born</b> 12:12 41:25 42:1,2 <b>bother</b> 159:16,19 <b>bought</b> 12:15 55:22 59:24 72:15 84:20 85:1 98:14 183:16 <b>boulevard</b> 90:15 <b>bowed</b> 160:23 <b>box</b> 152:2,3 170:25 <b>boxes</b> 151:15 <b>bradley</b> 11:22 69:14 141:20,24 168:17 169:24 <b>brainerd</b> 80:22 98:2,3 99:2,15,16 99:21,24,25 100:10 <b>brake</b> 100:2,3,7 <b>brakes</b> 99:22 <b>brandi</b> 33:17,18 34:7,19 <b>brazilian</b> 130:13 130:16 132:16,18 132:22 134:3 <b>break</b> 20:12 33:24 66:23 120:12 147:20 150:24	<b>breakdown</b> 123:5 <b>breaking</b> 47:1 <b>brenda</b> 13:9 <b>bridge</b> 70:8 101:15 106:18 <b>bring</b> 89:12 115:22 122:6,11 128:13,14 <b>bringing</b> 72:5 179:3 <b>broke</b> 47:2 <b>broken</b> 114:21 115:4 125:22,22 153:21 154:2 155:19,19 162:7 <b>brother</b> 124:21,21 124:22,23 175:22 175:25 176:1 181:21 <b>brothers</b> 14:1,22 177:15,18,18 178:17 <b>brought</b> 38:10 90:16 91:17 128:18 191:10 <b>brown</b> 194:9,10 194:11 <b>bruise</b> 158:24 <b>bryan</b> 2:9,12 6:20 <b>buckner</b> 21:2 <b>bucks</b> 59:2 64:3,4 123:11 <b>build</b> 128:9,9 <b>building</b> 2:21 <b>bulging</b> 162:10 <b>bumped</b> 70:7 <b>bumpers</b> 5:4 <b>bunch</b> 8:2 93:9 107:18 134:12 <b>burn</b> 26:10	<b>burned</b> 26:6 <b>business</b> 19:12 123:18 174:20 175:2 <b>buy</b> 58:23 84:9 <b>buying</b> 60:21 <b>c</b> <b>c</b> 4:1 40:24 44:23 <b>cage</b> 195:10 <b>cal</b> 86:24 <b>calculate</b> 57:12 <b>caliber</b> 87:7 <b>call</b> 51:4 88:1 89:2 105:6 127:9,12 172:17,18 174:20 178:16 186:22 <b>called</b> 34:23,24 69:19 77:12,13 88:4 89:4 137:9 137:10 158:24 <b>calls</b> 62:20 175:22 190:13 <b>calm</b> 168:15 <b>camera</b> 145:6 <b>camero</b> 84:6,9 85:1,12 86:7,8 91:13 98:8 183:13 <b>camp</b> 32:11,11 135:20,25 <b>car</b> 26:2 29:11,13 29:15 30:13 34:19 35:11 61:3,5,13 62:24 64:19 65:23 66:5 68:21 70:2 70:10,10 71:13,15 71:16 78:24 81:1 82:4 84:5,7,8,18 84:20,21 85:10,17 85:23 87:1 88:25 89:1 90:1,14,17 91:5,20 95:2
--	--	--	--

[car - cigar]

Page 6

96:11,15 98:14,16 98:17 99:6,9,13,23 101:4,4,19 102:11 102:25,25 103:3,5 103:10 105:14,18 105:22 106:4,12 106:15,17,17,20 107:6,15,16 108:3 110:10,11,15,19 110:25 112:21 114:18 115:11,22 116:1,4,5 127:9,10 127:10,12 137:14 144:23 145:1 146:20 148:14 149:22 154:11 156:15 166:11 183:17,20 187:2 187:13 194:18,19 <b>card</b> 20:1 21:17,25 22:5 136:11,13 <b>care</b> 13:16 78:21 98:15,15 155:20 155:21 162:21 183:16 197:6 <b>career</b> 135:9 <b>carolina</b> 46:18 47:5,12 135:22,22 <b>carried</b> 87:4 95:9 <b>carry</b> 95:10,12 <b>cars</b> 103:5 127:9 <b>carson</b> 1:8 2:8 6:20 8:24 154:18 <b>carson's</b> 4:10,12 9:1 66:14 <b>case</b> 7:24 36:4 37:4,4,20 43:12 48:4,5 49:25 145:3,9 167:23 170:18 186:11	<b>cash</b> 31:7 94:5,6 <b>cat</b> 162:24 <b>catoosa</b> 4:20 37:16 39:4,21 40:11 45:25 83:19 102:20 152:7 192:23 193:4,14 194:5,17 <b>caught</b> 25:22 32:24 33:1 39:13 46:10 57:14 58:1 74:21 100:21 <b>cause</b> 5:6 143:17 166:6 <b>caused</b> 42:4,5 161:7,18 166:13 166:15 169:3,7 <b>causes</b> 142:16 163:20 <b>causing</b> 163:4 168:18 <b>cavity</b> 115:14,16 <b>ccr</b> 1:25 200:23 <b>cell</b> 61:20 84:10 190:11 <b>center</b> 15:6 156:17 <b>centerstone</b> 116:9 116:15 117:10 136:17 137:1 144:19 147:8 151:5 153:24 155:8,12 157:20 158:1 <b>centerstone's</b> 155:14 <b>certain</b> 54:6 <b>certainly</b> 9:14 <b>certificate</b> 4:7 200:1 <b>certified</b> 200:4,15	<b>certify</b> 200:5,9 <b>chain</b> 61:18 <b>challenged</b> 144:9 <b>chamblisslaw.com</b> 2:23 <b>chance</b> 8:25 148:4 151:1 183:22 <b>changed</b> 17:18,19 85:24 <b>character</b> 118:6 118:16 <b>charge</b> 31:15 32:13 34:5 37:13 39:2,18,22 46:12 47:23 90:24 165:18 190:25 <b>charged</b> 28:17 29:2 30:17 32:20 36:16 37:16 39:16 39:21 48:21 49:1 49:9,22 165:22 190:23 <b>charges</b> 27:20 29:8 31:20 32:1 33:11 36:18 38:1 <b>charles</b> 42:14,15 <b>chase</b> 34:14 36:19 49:25 58:3,9 60:19 61:2 62:23 68:8,13 69:4 75:12 76:10 83:8 83:13,24 115:25 125:13 128:1 143:18,20 145:10 145:11 146:11 148:15 154:8 155:18 164:7 165:10,13 168:23 172:6 183:10 190:13	<b>chases</b> 104:18 164:8,12,24 166:2 <b>chattanooga</b> 2:11 2:22 48:7 69:10 78:11 80:4,11 132:6 135:17,19 165:5,10 166:2 <b>check</b> 49:15 <b>checked</b> 151:15 152:2,3 195:13,14 <b>chest</b> 168:7,18,22 <b>chet</b> 132:15 <b>chevy</b> 35:10 85:12 <b>cheyenne</b> 40:17,19 40:23 42:24,25 43:1 45:17 69:11 77:20,21 78:19,19 86:1 87:12,18 88:24 89:8 91:15 186:16 <b>cheyenne's</b> 71:1,2 85:24 <b>child</b> 41:21 44:1 77:10 <b>children</b> 39:23 40:13,16 42:13 45:24 88:23 178:15 <b>chokes</b> 130:22 <b>chose</b> 170:1 <b>chris</b> 8:3 <b>christian</b> 42:14,15 43:25 45:14 <b>christian's</b> 42:16 <b>christopher</b> 2:4 <b>chronological</b> 171:21 <b>church</b> 101:16,18 101:19 <b>cigar</b> 174:5
---	--	--	---

[city - corvette]

Page 7

<b>city</b> 1:18 5:4,5 6:15 11:25 12:2 31:23 170:7 177:17	85:8 87:19,23 88:24 94:18 97:20 97:21,21 101:15 102:18 103:12,15 103:16,18 104:3 110:15 120:9 127:11,15 136:9 136:14 137:12,16 137:22 138:12 157:11 165:17 170:14,25 178:22 187:14 191:3	<b>complex</b> 6:15 <b>computer</b> 170:25 <b>concluded</b> 199:3 <b>concrete</b> 105:24 105:25 <b>concurrent</b> 54:15 <b>concussion</b> 195:20 <b>condone</b> 178:14 <b>confuse</b> 68:1 <b>confusion</b> 40:6 <b>consciousness</b> 113:16 <b>consecutive</b> 54:16 54:17,18 <b>consideration</b> 56:13 <b>considered</b> 185:13 <b>consist</b> 109:14 155:9 <b>consisted</b> 121:16 <b>consists</b> 124:6 <b>console</b> 64:21 156:17 <b>conspiracy</b> 27:20 49:2 53:19,23 54:10 185:19,24 <b>contact</b> 45:6,14,16 114:12 <b>contained</b> 36:9 51:20 52:7 200:6 <b>container</b> 46:13 <b>contend</b> 142:16 143:3 161:18 <b>contest</b> 96:21,21 <b>continue</b> 189:1 <b>continuing</b> 102:9 <b>contract</b> 200:13 <b>contributed</b> 161:7 161:18 <b>control</b> 164:19,20 200:14	<b>contusion</b> 158:24 159:19 <b>contusions</b> 195:20 <b>cook</b> 1:9 2:18 189:23,23,25 192:7 <b>cook's</b> 4:23 67:15 67:19 <b>cop</b> 138:14 194:17 <b>copies</b> 23:14 200:15 <b>cops</b> 164:13 <b>copy</b> 24:2,6,8 27:24 147:16 192:10 198:22 <b>corner</b> 104:1 <b>cornerstone</b> 116:10,11 <b>correct</b> 6:17 7:24 8:4 19:5 28:9,14 31:9 36:14 45:25 48:7,19 49:7 51:5 53:1,22,24 54:7,20 56:6 57:7 62:3,20 68:2,11 76:20 80:8 81:25 83:25 99:2 107:11 113:25 121:9 130:12 134:3,5 136:19 141:12,13 144:14,23 146:2 147:5,6 150:19,20 153:9 162:10 164:10 169:1 174:3 194:22 195:3 <b>correctional</b> 6:15 <b>correlates</b> 181:1 <b>correspond</b> 152:6 <b>corvette</b> 98:12
<b>civil</b> 1:6 5:10 7:2 200:17 <b>claimed</b> 52:19 <b>claiming</b> 65:9 121:1 164:5 <b>claims</b> 120:18 <b>clean</b> 38:1 <b>cleaning</b> 196:22 <b>clear</b> 28:2 67:21 171:5 195:11 <b>clint</b> 174:5 <b>clipped</b> 103:6 <b>close</b> 16:15 17:8 60:18 68:3 69:22 86:4 99:7,8 172:5 <b>closest</b> 172:6 <b>clothes</b> 85:24 <b>cloud</b> 103:14 106:18 <b>clouds</b> 103:15 <b>clowers</b> 33:17 34:7 <b>coach</b> 193:22 <b>coached</b> 193:22 <b>codefendants</b> 48:19 <b>collect</b> 118:2 <b>collided</b> 104:24 <b>collision</b> 99:12 <b>color</b> 194:8,15,16 <b>colors</b> 194:15 <b>combat</b> 135:15 <b>come</b> 8:9 26:7,7 27:19 31:18 43:23 45:19 56:9 61:5 69:10,16,19 70:4 70:11 77:14,18,19 78:24 81:12 84:20	<b>comes</b> 99:2 177:17 <b>comic</b> 117:25 <b>comics</b> 117:24 <b>coming</b> 69:12 99:15 100:1 101:6 103:13 111:21 112:16 136:16 175:15,17 176:24 184:8 <b>command</b> 149:7 149:16 <b>commencing</b> 5:5 <b>comments</b> 149:20 <b>commission</b> 200:24 <b>communicating</b> 84:12 <b>company</b> 16:4,5,8 35:18 <b>compared</b> 189:3 <b>compensation</b> 27:13 178:22 <b>complain</b> 141:25 160:15 <b>complaint</b> 155:17 163:1 170:6 188:22 <b>complete</b> 27:24 155:17		

<b>cost</b> 58:22	59:14 82:19 131:6	<b>culvert</b> 105:3,6	44:18 45:4 49:15
<b>counsel</b> 200:9,11	144:8,22 145:23	106:9	49:21 56:8,10,19
<b>count</b> 48:21,22,23	200:4	<b>curb</b> 105:1 187:5,6	68:1 73:4 126:1
48:23,23 49:1,7,9	<b>cousin</b> 132:15	<b>current</b> 48:4	127:24 181:5
49:12,15 54:10,13	<b>cousins</b> 17:5	<b>currently</b> 6:11,13	<b>dated</b> 36:10
<b>counties</b> 83:16	<b>cow</b> 31:1,2 191:4	15:12,13 17:18,21	152:20 154:25
<b>country</b> 179:7	<b>coworker</b> 47:10	27:21 31:15 32:4	171:20 175:4
<b>counts</b> 50:12	47:17	33:12 40:11 41:8	<b>dates</b> 11:15,17
53:15,20	<b>cranked</b> 103:1,5	42:20 44:20 45:13	44:3 49:4 53:19
<b>county</b> 4:20 11:18	<b>crash</b> 68:16,17,23	<b>custodial</b> 200:15	58:14
11:22 14:10 17:15	157:23 159:9	<b>custody</b> 11:13	<b>daughter</b> 40:2
28:17 29:3 32:1	190:9	13:18 42:22,25	69:11 86:9 88:20
32:19,21 33:8	<b>crashed</b> 68:9,19	43:1 45:10 61:16	186:16
34:6 36:2,17 37:2	157:21	113:23 121:7,11	<b>daughter's</b> 43:12
37:16 39:4,21	<b>crawl</b> 138:15	<b>customer</b> 72:11	69:9
40:11 45:25 46:18	<b>credits</b> 56:13,15	<b>customers</b> 78:7	<b>david</b> 44:24
69:15 83:2,4,6,8	<b>crew</b> 19:23	<b>cuts</b> 187:4,23,24	<b>davis</b> 1:9 2:10,12
83:12,13,19,24	<b>crime</b> 49:23 61:11	<b>cv</b> 1:6	2:13 4:16 66:17
102:20 111:13	<b>criminal</b> 27:17,25	<b>d</b>	184:15
138:25 139:6,13	28:11 36:10 118:7	<b>d</b> 3:4 33:19 40:22	<b>day</b> 7:1 25:18,19
140:3,13 141:8,20	170:18,23 180:6,7	44:9 131:9	25:22 49:12 60:10
141:24 152:7	180:9	<b>dad</b> 12:23 15:17	60:11,16,24 63:16
165:1,13 166:2	<b>cristel</b> 44:23 45:2	16:16 19:20	63:20 64:8 71:4,6
168:17 169:24	45:10	<b>dad's</b> 14:20 17:3,4	72:4 75:23,25
190:22 192:23	<b>cross</b> 4:4,4,5	47:11	76:2 77:16 80:10
193:4,14 194:6	101:10,11 112:1,3	<b>dade</b> 14:10	88:16 96:15
200:3,24	117:14,16 119:5	<b>daily</b> 72:4 77:1	123:20 126:3,6,6
<b>couple</b> 15:20 26:1	120:15 151:5	79:10	126:10 128:7
69:5 87:20 104:19	184:10 189:20	<b>dale</b> 5:4	129:12 151:21
125:20 136:8	192:19	<b>damage</b> 106:3	177:8 180:25
148:14 155:5,6	<b>crossroads</b> 17:15	<b>damn</b> 26:8	182:9,9,13 183:17
171:24 190:21	81:9	<b>dan</b> 196:9	200:19
193:5	<b>crown</b> 119:20,21	<b>dana</b> 2:14	<b>days</b> 25:23,24
<b>course</b> 45:18	121:2	<b>danielle</b> 92:3,4	55:23 57:23 58:7
137:7 195:1	<b>cruelty</b> 39:22	93:21	58:15 60:11,13
<b>court</b> 5:7 28:3,19	45:24	<b>dannette</b> 44:5,9,14	69:5 72:21 140:7
28:22,23 29:8	<b>cruiser</b> 68:22	<b>date</b> 6:9 16:6	140:7 160:11
31:11,13 33:7,9,10	<b>cuff</b> 107:22	28:20 31:11,13	<b>dc</b> 117:24
35:20,23,24 36:3	<b>cuffed</b> 107:23	33:7,10,10 35:23	<b>dea</b> 62:12
36:16,24 46:3	109:19 113:1	35:24 36:3 41:6	<b>dead</b> 30:9,25
50:3,9,9,21 57:6		41:12,17 42:18	38:15 77:8 191:3

[deal - drive]

Page 9

<b>deal</b> 49:12 59:13 126:9 178:13	<b>delivered</b> 200:15	<b>dink</b> 85:10	<b>doctor</b> 112:6
<b>dealer</b> 72:22 73:1 142:22 172:19	<b>denny</b> 140:20	<b>dinner</b> 87:23	116:15 117:9
<b>dealership</b> 80:18 80:19,20 81:3 82:4,4 85:2,10 90:1,14 91:6	<b>deny</b> 103:23 144:12 152:10 180:21,22	<b>direct</b> 4:3 6:5	163:7 168:20
<b>dealerships</b> 81:2	<b>department</b> 4:20 194:6	<b>direction</b> 97:17 200:7	169:3 188:13 195:14 196:1,3
<b>dealing</b> 55:14 58:20 59:6,18 60:2 95:19 128:1 172:11	<b>deploy</b> 190:7	<b>directly</b> 85:3,4	<b>doctor's</b> 143:5
<b>dealt</b> 57:4 120:8	<b>deposes</b> 6:2	<b>disabilities</b> 18:11	<b>doctors</b> 138:4,11 138:16
<b>death</b> 77:7	<b>deposition</b> 1:16 5:9 7:2,6 10:2 20:13 36:8 48:10 155:2 199:3 200:15	<b>disability</b> 15:18,19 15:21 27:13	<b>document</b> 8:24 52:12,14 150:21
<b>decapitated</b> 166:14	<b>depression</b> 169:10 169:11,20,23 170:4 189:2	<b>disabled</b> 12:25 13:1,7 27:10	<b>documents</b> 23:16 127:18
<b>deceased</b> 13:9,10 38:14 71:17	<b>deputy</b> 96:6 98:20 102:1,1 103:20 197:21	<b>disagree</b> 156:2 159:13,14	<b>dodson</b> 14:4 175:20
<b>deceive</b> 97:12	<b>describe</b> 75:3 107:3 111:16 129:21 158:25	<b>disagreement</b> 40:1	<b>doing</b> 66:22 72:3 74:8,21 79:20 123:16 134:16 139:25 158:6 163:18,18 167:11 195:4
<b>december</b> 37:1 46:2 182:3	<b>described</b> 121:14	<b>discovery</b> 62:5 170:14,18,22 171:7 192:11	<b>dojo</b> 132:17
<b>decide</b> 87:12 184:7	<b>description</b> 4:8	<b>discredit</b> 127:20	<b>dooley</b> 2:20
<b>declare</b> 24:12	<b>detail</b> 197:16,20	<b>discussed</b> 9:15 67:8	<b>door</b> 107:6,9,10,20 110:16,17 111:5 112:23 115:16 137:13
<b>defendant</b> 2:8,18 3:3 4:10,12,14,23 8:23 67:15	<b>detained</b> 143:22	<b>dish</b> 174:12 177:25 178:2	<b>dope</b> 91:1
<b>defendant's</b> 147:23	<b>detainer</b> 32:5,9,13 165:25	<b>disks</b> 162:10 36:23 37:5,13 38:1 39:18 46:5 47:23 48:24	<b>dotson</b> 175:20
<b>defendants</b> 1:12 1:17 2:13 4:16	<b>detainers</b> 32:6,15	<b>dismissed</b> 36:22 36:23 37:5,13 38:1 39:18 46:5 47:23 48:24	<b>double</b> 49:15 107:22,23 109:19 113:1
<b>defense</b> 6:24	<b>detective</b> 151:5	<b>display</b> 152:3	<b>doug</b> 102:21
<b>definitely</b> 112:17 141:7	<b>diagnosed</b> 169:9 169:11 182:15	<b>dispute</b> 98:24	<b>downs</b> 182:8
<b>deflaw.com</b> 3:7	<b>diagnosis</b> 158:23 169:17	<b>distribute</b> 49:2 53:20	<b>dr</b> 166:23 167:1
<b>degree</b> 39:23 102:7	<b>died</b> 26:14,14,16 26:20 102:25	<b>distributed</b> 55:21	<b>drank</b> 192:3
<b>delayed</b> 7:1	<b>dietz</b> 103:16,17	<b>distributing</b> 37:17	<b>drew</b> 3:5
<b>deliberately</b> 104:10	<b>different</b> 17:22 52:9 53:7 114:11 121:22 129:14	<b>district</b> 1:1,2 5:7,8	<b>drifted</b> 167:14
		<b>ditch</b> 78:23 105:6	<b>drinking</b> 74:18,19 76:14
		<b>division</b> 1:3 5:8	<b>drive</b> 69:25 80:3 87:22 96:15
		<b>divorced</b> 40:7,7,8	
		<b>dmaine</b> 2:17	



[driver - exhaustively]

Page 10

<b>driver</b> 96:12 108:6 157:20 159:9 164:15,16 <b>driver's</b> 82:13,22 107:9,10 112:23 115:4 157:12 <b>driveway</b> 34:21 <b>driving</b> 28:17 29:11,21 70:2 71:13,14 72:4 79:15 87:21 100:13 158:12 164:21 194:21 <b>drop</b> 18:3 20:16 <b>drove</b> 31:1,2 71:6 103:25 <b>drug</b> 49:11,23 53:18,23 54:10 55:14 85:16 90:18 95:19 112:2 172:19 175:2 <b>drugs</b> 30:13 35:11 37:17,18,22,23 38:6,11 57:4,6,10 65:10,25 66:5 76:12 91:6,9,19 120:8 122:25 123:2 128:1 157:15 172:11 <b>duck</b> 172:18 174:2 <b>ducks</b> 172:18 <b>dug</b> 101:22,23 <b>duly</b> 6:2 200:5 <b>dump</b> 69:15 <b>dustin</b> 38:5,6,11 38:13 <b>dylon</b> 1:9 2:13 4:16 184:14	<b>e</b> <b>e</b> 4:1,1 16:23,23 23:3 29:20 40:24 40:24,24 41:3 44:7,9,9,17,23 92:7,7,7,7,7 131:9 166:24 200:17 <b>earlier</b> 6:19 58:8 72:3 83:8 92:8 151:4 <b>early</b> 26:22 37:11 68:10 73:8 77:13 178:9 <b>earn</b> 133:10 135:3 135:5,7 179:11,12 <b>earned</b> 25:9 <b>earning</b> 25:9 <b>earnings</b> 23:15 <b>east</b> 15:7,8,9,13 16:21,22,23 80:22 98:2,3 99:2,15,16 99:21,24,25 100:9 103:14 <b>eastbound</b> 99:24 <b>eastwood</b> 174:5 <b>eckl</b> 3:5 <b>educational</b> 17:13 <b>effect</b> 51:11,13,14 <b>either</b> 33:10 59:11 94:21 132:12 162:21 <b>elantra</b> 71:14 <b>elbow</b> 189:9 <b>electric</b> 16:4 19:3 19:18 20:19 47:13 115:20 <b>electrical</b> 19:23 21:21 26:11 114:6 <b>electrician</b> 18:22 21:18,25 114:9	<b>electricity</b> 114:13 <b>electrocuted</b> 114:8 <b>electronic</b> 198:25 199:1,2 <b>elementary</b> 17:20 101:18,19 <b>emancipated</b> 43:4 <b>emma</b> 44:5,10,10 44:14 <b>emotional</b> 163:11 163:12 164:4 166:6 <b>employed</b> 15:3 16:7 200:10,11 <b>employee</b> 200:11 <b>employer</b> 26:20 <b>employment</b> 18:21 22:23 <b>enbunkment</b> 70:6 <b>encounter</b> 180:1 193:19,21 <b>ended</b> 43:13 46:11 68:14,24 69:12 78:3,11 106:15,20 148:22 <b>ends</b> 23:7 25:25 191:4 <b>enforcement</b> 55:11 109:11 155:18 164:2 <b>engine</b> 98:7 187:4 <b>engines</b> 98:10 <b>enjoy</b> 118:14 <b>enter</b> 50:24 <b>entered</b> 49:6 <b>entering</b> 47:1 <b>entire</b> 124:1 173:9 <b>entirely</b> 52:15 <b>entitled</b> 5:6 52:14 <b>entry</b> 28:25 36:6 37:1 38:19 39:20	46:2,16 <b>enumerated</b> 67:1 <b>erlanger</b> 116:14 136:17 137:4 138:5,5 140:10,24 153:25 155:13 158:3,8 159:5 <b>erlanger's</b> 158:23 <b>essentially</b> 11:17 <b>estimate</b> 42:9 88:8 126:1 140:6 <b>estimated</b> 105:13 <b>estimates</b> 98:21 <b>estimation</b> 105:12 <b>event</b> 66:7 166:15 167:6 184:19 <b>events</b> 166:10 <b>eventually</b> 51:1 101:9 104:20 138:24 <b>everybody</b> 101:7 173:14,17,20,23 180:24 <b>evidence</b> 61:17,18 61:21,21 62:1 143:11 <b>exact</b> 64:6 <b>exactly</b> 11:17 81:5 <b>examination</b> 4:3,4 4:4,5,5,6 6:5 184:10 189:20 192:19 196:10 197:7 <b>examined</b> 5:3 <b>excuse</b> 94:1 108:21 116:11 154:19 171:14 <b>exercise</b> 142:24 197:12,13 <b>exhaustively</b> 197:23
---	--	---	--

[exhibit - fix]

Page 11

<b>exhibit</b> 4:9,11,13 4:15,18,18,19,20 4:20,21,22 8:19,22 9:4,23 10:2 27:15 36:7,8 48:10,11,15 66:9,10,13,14,17 81:8 147:23,24 148:11 150:7,22 150:23 151:1,10 152:17,23,24 155:2,3 157:14 159:15 171:17,18 198:18	<b>face</b> 54:6 70:17,18 70:18 109:18,19 111:19 112:7 113:1,2,7,23 117:5 117:12 119:22,24 120:23,24 121:3,8 122:21 126:20,24 128:2,18 129:20 137:2 153:6,8,12 153:20 156:1,1,5,7 156:11 176:12 177:8 179:7,24 180:10,17 185:10 185:19,20 191:8 193:10,11,17	<b>far</b> 30:7,7 36:22 102:15 116:5 156:4 187:16 188:19 <b>farnham</b> 3:5 <b>fast</b> 98:5 104:23 <b>father</b> 71:16 <b>faulkner</b> 200:3,24 <b>favorite</b> 118:6 <b>faye</b> 44:5,6,14 <b>fci</b> 5:4 <b>fear</b> 166:6 <b>features</b> 111:17 <b>february</b> 12:3 26:22 45:21 49:5 174:4 175:5,12 176:3,14,16 178:9 180:25 181:6 <b>federal</b> 5:10 6:15 27:20,20 28:3 36:24 48:5,7 50:3 50:9 57:6 62:20 127:8 <b>feds</b> 170:12,15 <b>feel</b> 114:6 <b>feeling</b> 70:17 <b>feels</b> 43:14,15,17 <b>felony</b> 49:11 <b>felt</b> 114:13,14 <b>fend</b> 138:2 <b>fifth</b> 34:1 83:10,11 <b>fight</b> 11:5,6 39:8 124:17 135:16,25 136:1,2 138:14 191:10 195:12,14 195:22,24 <b>fighter</b> 10:14,15 39:10 129:18,21 135:10 <b>fighting</b> 10:18,20 126:13 130:17	133:23 134:2 191:22 195:5 <b>fight</b> 134:7,7,18 134:21 135:4,11 135:18 136:13 195:8 196:13 <b>file</b> 1:6 <b>filed</b> 7:3 23:18 24:1 25:1 56:5 <b>final</b> 9:20 107:2 <b>finally</b> 30:11 37:25 <b>financially</b> 200:12 <b>find</b> 77:8 119:13 119:25 120:19 121:1 128:12,12 <b>fine</b> 28:21 50:23 82:20 <b>fined</b> 28:23 <b>finish</b> 73:5 <b>finishing</b> 179:18 <b>fire</b> 26:11,16,20 <b>firearm</b> 49:10,23 53:23 186:2 <b>firearms</b> 146:13 146:18 <b>firm</b> 2:5 <b>first</b> 4:10,14,17,23 6:2 9:1 11:17 27:19,24 41:21 59:24 66:8,15 74:9 80:13 98:2 121:24 132:15 173:15 188:3 191:2 <b>fishing</b> 37:7 <b>fists</b> 124:19,20 <b>five</b> 25:24 54:14 77:15 119:2,2 143:2 188:14 <b>fix</b> 195:22
<b>exhibits</b> 4:2,8 8:13 66:25 67:23 184:3 198:25 199:1,2 <b>exit</b> 71:21 80:21 80:22,24 81:4,7,12 82:2 <b>exp</b> 200:25 <b>expectations</b> 180:20 <b>experience</b> 129:24 <b>explain</b> 18:17 <b>explained</b> 34:1 <b>express</b> 71:20 72:19 <b>exterior</b> 151:12,13 <b>extremely</b> 138:23 <b>exum</b> 2:19 4:4,6 20:13 189:21,22 192:12 197:1,8,19 198:13 199:1 <b>exwife</b> 40:1,3 <b>eye</b> 125:22	<b>face's</b> 179:15 <b>facebook</b> 4:21 170:9,12,15,15 171:12,14 177:1 181:1 <b>facial</b> 111:17 <b>facility</b> 11:25 31:19,23 45:8 142:2 163:8 170:4 <b>fact</b> 48:13 66:20 67:4,10 190:3 <b>facts</b> 50:11 <b>factual</b> 50:7,11,16 51:16,19 52:1,4,7 52:10,25 53:10 <b>fair</b> 56:24 194:23 <b>faithfulness</b> 179:23 <b>fake</b> 99:23 <b>falls</b> 124:21 <b>familiar</b> 194:5 <b>family</b> 12:20 16:15 39:22 45:24 <b>fan</b> 117:24 118:3 182:22,23,24	<b>far</b> 30:7,7 36:22 102:15 116:5 156:4 187:16 188:19 <b>farnham</b> 3:5 <b>fast</b> 98:5 104:23 <b>father</b> 71:16 <b>faulkner</b> 200:3,24 <b>favorite</b> 118:6 <b>faye</b> 44:5,6,14 <b>fci</b> 5:4 <b>fear</b> 166:6 <b>features</b> 111:17 <b>february</b> 12:3 26:22 45:21 49:5 174:4 175:5,12 176:3,14,16 178:9 180:25 181:6 <b>federal</b> 5:10 6:15 27:20,20 28:3 36:24 48:5,7 50:3 50:9 57:6 62:20 127:8 <b>feds</b> 170:12,15 <b>feel</b> 114:6 <b>feeling</b> 70:17 <b>feels</b> 43:14,15,17 <b>felony</b> 49:11 <b>felt</b> 114:13,14 <b>fend</b> 138:2 <b>fifth</b> 34:1 83:10,11 <b>fight</b> 11:5,6 39:8 124:17 135:16,25 136:1,2 138:14 191:10 195:12,14 195:22,24 <b>fighter</b> 10:14,15 39:10 129:18,21 135:10 <b>fighting</b> 10:18,20 126:13 130:17	133:23 134:2 191:22 195:5 <b>fight</b> 134:7,7,18 134:21 135:4,11 135:18 136:13 195:8 196:13 <b>file</b> 1:6 <b>filed</b> 7:3 23:18 24:1 25:1 56:5 <b>final</b> 9:20 107:2 <b>finally</b> 30:11 37:25 <b>financially</b> 200:12 <b>find</b> 77:8 119:13 119:25 120:19 121:1 128:12,12 <b>fine</b> 28:21 50:23 82:20 <b>fined</b> 28:23 <b>finish</b> 73:5 <b>finishing</b> 179:18 <b>fire</b> 26:11,16,20 <b>firearm</b> 49:10,23 53:23 186:2 <b>firearms</b> 146:13 146:18 <b>firm</b> 2:5 <b>first</b> 4:10,14,17,23 6:2 9:1 11:17 27:19,24 41:21 59:24 66:8,15 74:9 80:13 98:2 121:24 132:15 173:15 188:3 191:2 <b>fishing</b> 37:7 <b>fists</b> 124:19,20 <b>five</b> 25:24 54:14 77:15 119:2,2 143:2 188:14 <b>fix</b> 195:22
<b>f</b>	<b>f</b> 2:19 4:1 44:7 120:22 124:14 <b>fabricators</b> 21:5,6 21:7	<b>f</b> 2:19 4:1 44:7 120:22 124:14 <b>fabricators</b> 21:5,6 21:7	<b>f</b> 2:19 4:1 44:7 120:22 124:14 <b>fabricators</b> 21:5,6 21:7

[fixing - give]

Page 12

<b>fixing</b> 110:5 137:13 <b>flee</b> 30:3 <b>fleeing</b> 157:21 <b>flight</b> 7:1 138:14 <b>floor</b> 139:5 <b>floorboard</b> 64:21 64:22 156:17 <b>floyd</b> 1:9 2:13 4:16 66:17 184:15 <b>fly</b> 6:22 108:16 <b>flying</b> 108:20,21 109:6 <b>fmglaw.com</b> 2:17 <b>folks</b> 136:6 192:22 <b>following</b> 110:21 <b>follows</b> 6:3 <b>followup</b> 155:14 <b>fondly</b> 126:16 <b>food</b> 15:6 <b>foot</b> 164:17 187:18 <b>force</b> 161:6 <b>foregoing</b> 200:8 <b>foreman</b> 151:14 <b>forget</b> 17:19 85:3 126:12,14 <b>form</b> 4:21 53:13 58:24 59:8,12 65:12 74:13 79:5 109:1 111:3 118:9 118:15 126:11 130:16 138:2 143:9 144:1,24 145:25 146:12,23 151:16,22 154:19 154:20 162:14 167:25 168:24 173:1 180:2 200:7 <b>forms</b> 133:20 <b>forrest</b> 1:18 5:4,5 6:15 12:2 31:23	126:24 170:7 <b>fort</b> 2:10 <b>fought</b> 129:25 135:20,21 195:9,9 <b>found</b> 27:10 37:21 61:2,12 62:17 64:16,17 65:3,7 86:22 119:18,19 120:19 121:2 122:3 162:18 <b>four</b> 15:16 26:2 44:21 96:7 119:1 119:2 130:5 183:9 193:24 <b>fracture</b> 153:12,14 153:16 154:13 <b>fractured</b> 125:22 <b>fractures</b> 153:19 <b>frame</b> 159:23 <b>franchise</b> 131:22 <b>fredonia</b> 191:3 <b>free</b> 138:13 <b>freeman</b> 2:15 <b>friend</b> 37:7 38:13 38:17 63:5,6,8,21 69:14,17 78:25 92:9 93:3 <b>friend's</b> 93:2 <b>friends</b> 11:4 <b>front</b> 46:23 54:2 91:3 102:12 103:4 105:21 106:3 114:20 136:15 <b>frontier</b> 29:16 <b>fronting</b> 91:1 <b>fuck</b> 182:19 <b>fucking</b> 181:9 <b>full</b> 6:7 10:7 16:18 27:24 40:18 44:3 56:15 117:7 155:1	<b>fun</b> 74:20 <b>further</b> 81:14 133:22 200:9,11 <b>furtherance</b> 49:23 53:23 <b>g</b> <b>g</b> 23:3 41:3 120:22 120:23 124:11 126:3,6,10 128:7 129:12 <b>gain</b> 99:21 <b>galleria</b> 2:16 <b>gang</b> 4:21 119:12 120:15 121:20 124:1 125:11 127:20,21 128:8 129:2,20 151:16 151:21,24 152:2,4 152:5,6,10,11,12 177:16 180:6,7,9 182:25 183:2 185:11,14,17 <b>gang's</b> 122:12 <b>gangs</b> 127:3,7 <b>gangster</b> 120:24 122:21 177:9 191:8 <b>gangsters</b> 119:22 119:24 120:23 121:9 128:2 185:10 <b>gap</b> 96:5,6 97:18 97:21 <b>garages</b> 26:2 <b>gary</b> 2:15 193:6,13 <b>gas</b> 68:17 69:23 70:5 97:1,4,12,20 103:18 104:22 105:19 106:12,25 187:3	<b>gates</b> 70:5 <b>gbi</b> 4:19 147:14 148:1 <b>gear</b> 135:16 <b>ged</b> 18:9 <b>general</b> 147:2 <b>gentleman</b> 22:25 132:13 <b>george</b> 71:16 84:12 <b>george's</b> 84:5 85:23 <b>georgia</b> 1:2 2:16 3:6 5:8 12:10,18 13:24 14:13,14 15:7,8 16:25 17:5 69:25 70:3 81:12 82:20,21 86:4 87:11 88:9 101:10 101:11 140:21 165:16,17 <b>getting</b> 13:15 74:21 78:11 113:8 139:18 141:23 149:11 163:20 188:17,18,22 <b>gf</b> 124:10 <b>ghost</b> 119:22,24 120:23,24 121:3,8 122:21 126:20,24 128:2,18 129:20 176:12 177:8 179:7,15,24 180:10,17 185:10 185:19,20 191:8 <b>give</b> 11:15 13:19 14:3 36:3 41:14 44:3 55:10,19 68:4 109:11 116:24 139:12,17 140:4 141:22
---	---	---	---



[give - handcuffs]

Page 13

147:13 160:25 167:15,17 168:14 <b>given</b> 7:6,23 27:15 31:11,13 35:23 55:5 142:2 169:22 185:3 200:8,18 <b>gives</b> 56:8 <b>giving</b> 74:3 139:23 144:10 149:15 <b>glass</b> 90:9 186:2 <b>gmail.com</b> 2:7 <b>go</b> 19:17 20:10 22:7 27:21 30:7 31:12 32:6 33:22 35:20 44:10 50:9 50:17 58:22 66:21 69:22 78:10,22 79:1 81:13,24 82:19 84:5,8,9 89:2 95:4 97:17 100:4 109:6 131:12,25 132:10 136:17 138:13 140:14 141:7 142:6 160:24 163:4,4,5 172:18 181:25,25 182:12 184:6 187:2,10 188:13 189:18 196:1,2 <b>godfather</b> 176:21 176:22,23 <b>goes</b> 51:14 81:11 81:24 171:21 <b>going</b> 8:13,21 28:23 33:22 45:22 50:17 52:11 63:21 69:23 75:19 77:8 77:19 78:14,22,23 79:24 89:1,3 93:16,18,19 97:2	97:24 98:5 102:19 103:13,14 104:23 105:9 106:9 114:14 115:10 126:14 127:16 134:15 140:10 144:7 146:7,8 150:21 156:13 165:16 167:21,22 171:16 172:18,20 175:17 178:16 186:25 187:4,7,25 192:15,21 198:23 198:23 <b>good</b> 24:16 56:13 63:19 114:12 129:18,21 179:19 193:21 <b>gotten</b> 102:15 154:5,7 160:10 <b>graded</b> 32:6 <b>graduated</b> 18:5 <b>gram</b> 73:23 74:16 75:16 <b>grams</b> 49:2 52:19 57:11,16,18,20 58:1,7,11,15 62:17 63:1 76:1 <b>grand</b> 35:17 48:6 48:7 <b>granddaughter</b> 17:7 <b>grandma</b> 13:11 <b>grandma's</b> 13:3 <b>grandmother</b> 12:15,24 13:1,14 <b>gravel</b> 101:22,23 102:4,24 103:8,8 103:10 104:2,5 <b>graysville</b> 98:1,3 100:10,23,24	101:8,24 <b>great</b> 189:4 <b>green</b> 16:3 19:13 64:18 100:22 <b>greg</b> 6:20 8:24 112:1,3 117:14,16 119:5 120:14 <b>greggory</b> 1:8 2:8 <b>grew</b> 19:19 167:11 193:14 <b>ground</b> 37:23 38:12 70:12 99:21 107:21 110:6 113:2,7,13,23 130:19,20 148:23 150:17 190:16 <b>group</b> 126:9 <b>grow</b> 128:10 <b>growing</b> 118:2 193:22 <b>guapo</b> 10:10 11:7 <b>guard</b> 137:25 <b>guess</b> 27:16 65:24 71:24 78:24 81:15 126:8 139:18 154:15 187:5 <b>guessing</b> 154:14 <b>guilty</b> 28:18 49:6 50:2 51:13 53:15 61:22 <b>gun</b> 64:20 69:17 69:24 94:12,14,18 94:21,21,22 108:20,24 109:2,6 115:11 157:9 <b>guns</b> 30:15 35:13 49:24 61:17,19 69:18,20 79:1 86:19,21,22,25 87:4,23 88:2,4 89:2,4,13 91:11	92:1,9,19 93:7,11 94:7 95:2,9,14,16 95:18 156:15 157:10 <b>gunshot</b> 196:20 <b>guy</b> 37:22,25 38:4 125:5 130:18,18 134:13 137:16 <b>guys</b> 9:14 28:25 29:23 30:3 67:8 124:15 125:19 126:13 129:5 136:14 189:18 193:15,15 <b>gwendolyn</b> 3:4 <b>h</b> <b>h</b> 2:9 40:24 41:1,2 166:24 <b>habit</b> 73:18 95:3 <b>haired</b> 149:6 <b>haley</b> 17:7 <b>haley's</b> 17:9 <b>half</b> 14:6,7,19 86:15 <b>halfway</b> 56:19,22 <b>hamilton</b> 11:18 32:20 34:6 36:1 36:17,17 83:4,5 111:13 138:25 139:5,13 140:3,13 141:8 <b>hand</b> 70:17 110:1 137:2 192:10 196:16,18 200:18 <b>handcuffed</b> 70:13 107:21 112:9 143:23 147:8 148:23 149:6 157:7 <b>handcuffs</b> 107:23 144:2,3,7,11,16
--	--	--	--

[handcuffs - hotel]

Page 14

145:15,24 <b>handle</b> 174:12 <b>hands</b> 70:10,12 107:15,16,19 108:9,11 109:7,15 109:21 110:3,7,9 110:13,16,19,24 112:8,13 115:10 156:6,12,12,13 163:5 <b>handsome</b> 10:12 11:8 <b>hang</b> 77:20 92:20 <b>hanging</b> 87:21 175:7 <b>happen</b> 26:12 33:4 36:4 180:14 <b>happened</b> 13:13 19:2 30:10 35:2 37:20 43:22 55:23 69:1 75:4 91:24 101:14 103:7,7,11 107:13 113:6 116:11 126:2 137:4,15 143:16 143:25 144:18 145:15,20 146:5 146:21 147:9 149:11 162:19 166:10 <b>happens</b> 36:1 76:22 180:13 <b>happy</b> 7:10 <b>hardy's</b> 85:4,9 <b>harris</b> 21:1 <b>havlik</b> 3:4 4:5 192:20 196:9 199:2 <b>havlikg</b> 3:7 <b>hayes</b> 166:23 167:1 169:14	182:14 <b>hays</b> 140:20 <b>head</b> 41:19 70:14 100:10 102:20 107:24 109:20 111:21 113:8,9,10 113:13 149:12 154:14,18 155:20 156:7 198:1 <b>headed</b> 43:18 <b>headlight</b> 96:17 <b>headlin</b> 92:14 <b>headly</b> 92:13,15 <b>health</b> 166:20 188:23 <b>hear</b> 20:3 109:17 197:18 <b>heard</b> 14:12 107:14,14,21 109:11 110:22 112:11 <b>hearing</b> 51:10 53:3 <b>heart</b> 168:19 <b>held</b> 57:10 144:8 <b>help</b> 10:5 142:9 189:11 <b>helping</b> 139:25 142:4 <b>helps</b> 97:24 <b>henton</b> 12:9 <b>hereto</b> 200:12 <b>heroin</b> 77:3,4,4 <b>hey</b> 84:6 92:19 <b>high</b> 2:5 18:7 20:16 36:18 49:24 58:3,8 60:19 61:1 62:23 68:8,13 69:4 75:12 76:10 83:7,13,24 104:18 125:13 127:25	146:11 148:15 154:7 155:18 163:21 164:7,8,12 164:24 165:9,13 166:1 168:23 172:6 183:10 <b>highest</b> 24:23 132:25 179:6 <b>highlighted</b> 159:6 159:7 <b>highlights</b> 184:9 <b>highway</b> 12:7,17 80:25 81:1,10,20 81:20,21,22,24 102:19 <b>hinton</b> 12:21 13:14,23 <b>hiring</b> 19:23 <b>history</b> 28:11 36:10 <b>hit</b> 34:22 68:22 70:6 99:13,22,23 100:22 103:17 105:7,10,21,22 106:7,9 113:2 115:22 148:14 156:1,21 184:9 186:24 187:5,7,12 187:12 <b>hitting</b> 102:11 113:7 <b>hix</b> 40:19,25 <b>hlm</b> 1:6 <b>hold</b> 89:7 103:3 121:21 198:24 <b>holiday</b> 71:20 72:19 <b>home</b> 12:20 13:14 24:9 26:4 <b>homeowner</b> 39:15 39:16	<b>honestly</b> 77:15 137:17 139:19 157:8 <b>honesty</b> 179:22 <b>honor</b> 179:5,22 <b>hooker</b> 26:8 <b>hospital</b> 70:16 112:5 113:21,24 116:7 139:9 140:5 144:19 145:18 <b>hoss</b> 2:9,10 4:3 6:6 6:20 8:11,20 10:1 10:3 15:11 20:10 20:14 34:3 48:12 48:15,17 51:1,4,7 51:16,19,23 52:16 53:14 59:1,9,16 65:16 66:12,24 67:19,22,24 73:2 74:23 79:6 109:4 111:4 118:11,18 120:13 126:15 143:10 144:4 145:2 146:1,16,24 147:21,25 148:11 148:12 150:25 151:25 152:17,19 152:25 154:21 155:4 162:15 168:1,25 170:20 171:2,10,19 173:5 173:8 179:18,20 180:5 184:2,5 192:16 198:25 <b>hoss.com</b> 2:12 <b>hotel</b> 37:21 38:2 38:10 47:8,9,10,15 47:17 69:10,12,21 71:18 76:19 78:15 78:16,17 79:18 80:1,14,15,16 82:6
---	---	--	--

[hotel - jeremy]

Page 15

85:24 87:19,24,25 88:3,19,24 89:22 91:7,9 <b>hour</b> 24:22 25:10 25:16 58:8 86:15 87:21,22 98:6,22 99:19 105:8 146:11 158:13 159:9,12 <b>hourly</b> 24:17 <b>hours</b> 25:17,19 68:10 69:3 73:6 87:21,23 <b>house</b> 23:1,7 38:23 39:7,10,13 46:24 47:3 56:19,22 84:6,16 87:13 <b>houston</b> 17:15 <b>huh</b> 7:11,13,19,19 27:23 64:23,25 89:11 105:11,15 123:12 151:6 169:18 171:23 172:9 173:11 174:7,9,21 176:13 176:18 178:7 182:2,5 <b>hung</b> 69:9 87:22 <b>hunting</b> 172:19 <b>hurt</b> 142:18,19 187:20 <b>hurting</b> 188:1 <b>hyundai</b> 71:14	152:24 155:3 171:18 198:18 <b>identify</b> 67:1 143:16 161:3 171:11 <b>ifa</b> 195:10 <b>igou</b> 97:18,21 <b>illness</b> 182:4,11 <b>imb</b> 132:7 <b>impartiality</b> 200:14 <b>improvement</b> 189:4 <b>incarcerated</b> 29:9 139:21 152:7 <b>incident</b> 11:12 16:11 33:13 36:13 172:6 190:1,22 192:1,8 197:10 <b>includes</b> 63:21 <b>income</b> 23:15,18 23:25 24:12 25:6 <b>incrimination</b> 34:2 <b>independent</b> 127:12 <b>indicate</b> 18:20 158:8 <b>indicates</b> 159:11 <b>indication</b> 114:1 155:23 <b>indicted</b> 48:6 <b>indictment</b> 4:18 48:13 90:7,11 <b>individual</b> 6:21 173:18,19 182:9 <b>individually</b> 1:8,8 1:9,9,10,10 <b>information</b> 148:7 154:17 158:14	<b>initially</b> 110:19 122:10 <b>initiated</b> 121:8,15 121:19 125:16 191:17 <b>initiating</b> 191:9 <b>initiation</b> 124:4,6 125:11 126:6 191:11 <b>injecting</b> 79:14,15 79:18 <b>injured</b> 30:21 191:21 <b>injuries</b> 47:21,25 117:11 125:1,3,17 138:6,17 142:17 143:5,6,12 153:4 155:25 160:14 163:11,12 191:13 191:23 <b>injury</b> 143:17 161:7,10,18,23 162:2,2 164:4 166:6 191:18 <b>inmate</b> 6:14 32:4 <b>inn</b> 71:20 72:19 82:1 84:1 89:13 91:17,19 94:1 <b>inside</b> 110:10,25 <b>inspect</b> 62:1 <b>instinct</b> 138:15 <b>instructor</b> 131:4 <b>interact</b> 180:10,12 180:19 <b>interest</b> 200:13 <b>interested</b> 200:12 <b>interject</b> 8:7 50:18 <b>interrogatories</b> 4:10,15,17,23 7:23 8:14,23 9:2 10:5 11:11,16 17:25	27:16 40:6 66:16 66:18 67:15 69:3 131:3 143:4 <b>interrogatory</b> 7:25 8:1,15 26:23 67:2 121:13 166:9 197:9,16 <b>intersection</b> 99:4 99:22 <b>interview</b> 4:18 148:1 <b>introduced</b> 6:19 <b>investigation</b> 28:4 <b>involved</b> 124:19 164:8 165:9 174:25 <b>involving</b> 38:22 <b>iron</b> 15:22 16:7 19:21,22 20:24 21:2 <b>irrelevant</b> 63:14 <b>irs</b> 24:3 <b>issue</b> 43:11 49:25 59:15 159:25
<b>i</b>			<b>j</b>
<b>ibuprofen</b> 189:6 <b>ice</b> 62:8,20 <b>idea</b> 183:24 184:24 198:5 <b>identification</b> 8:19 48:11 66:11 147:24 150:23			<b>j</b> 1:25 200:4 <b>jaguar</b> 80:18,19 80:20 82:4 <b>jail</b> 11:18,22 102:20 134:15 139:1,13 140:3 152:7 <b>james</b> 1:9 2:13,19 4:16 184:15 <b>january</b> 26:22,22 37:15 38:19 171:22 181:6 <b>jaw</b> 125:23 <b>jeremy</b> 92:13 93:3 93:11

[jeremy's - land]

Page 16

<b>jeremy's</b> 92:19 <b>jersey</b> 131:11,13 131:15 <b>jesse</b> 193:25 <b>jfexum</b> 2:23 <b>jim</b> 189:22 <b>jitsu</b> 130:8,12,13 130:16 132:16,18 132:21,23 134:3 <b>jiu</b> 130:8,11,13,16 132:16,18,21,22 134:3 <b>job</b> 15:15 16:2 19:21 177:14 182:25 183:3 184:8 <b>jobs</b> 15:25 131:15 <b>johnson</b> 41:5 70:24 186:15 <b>joined</b> 20:13 <b>joint</b> 130:21 <b>joker</b> 117:22 118:3,4,13,19,22 118:22,22,22 119:1,2,5 171:25 181:4 182:20 <b>jones</b> 4:19 147:14 148:2,3,8,14,19 149:13,23 150:2 150:11,14,19 <b>jordan</b> 135:20,25 <b>joseph</b> 183:14 <b>joshua</b> 183:14 <b>journeyman</b> 18:21 21:15 <b>journeyman's</b> 20:1 21:16,25 22:5 <b>judge</b> 50:20 51:15 54:2 55:5	<b>judge's</b> 28:8 <b>jump</b> 192:16 <b>jumped</b> 103:18 177:21 <b>jumping</b> 186:25 <b>june</b> 41:14,14 42:10 200:19 <b>junior</b> 6:8 <b>junkie</b> 79:13,14 <b>jury</b> 48:6,7 <b>k</b> <b>k</b> 41:3 <b>karate</b> 130:14 <b>karisa</b> 1:25 200:4 200:23 <b>keener</b> 193:25 <b>keep</b> 19:15 24:6 45:22 93:17,18 94:19 137:2 <b>kept</b> 70:2 <b>kick</b> 124:20,21 <b>kicked</b> 70:14 107:24 109:19 113:8,10,13 149:11 154:14,18 197:25 <b>kid</b> 117:25 140:23 <b>kids</b> 40:15 142:24 <b>killed</b> 69:14 <b>kind</b> 13:17 24:10 26:13 27:13 29:15 35:9 55:19 61:25 70:11,14 74:17,25 85:11 94:14 98:7 101:7 120:8 122:4 137:18 146:10 167:11 168:10 171:7 178:12,25 182:6 <b>king</b> 2:21	<b>knee</b> 142:12 160:16,18 161:21 161:24 <b>knees</b> 187:20 <b>knew</b> 82:24 83:6 110:5 112:1,3 120:7 175:9 <b>knocked</b> 156:6,10 <b>know</b> 7:10 13:16 17:10,11 19:11 21:24 24:5 29:6 31:15,18 38:4 41:18 42:5 43:8 45:21 56:9,12 57:15 61:5 73:15 74:18 81:5,11 83:5,15 93:14,15 94:20 96:17 98:10 111:8,11,14 113:11 114:10,12 114:14,20 115:1,3 115:8 118:5 129:3 130:25 131:2 133:2 134:14,24 136:6,22 143:24 145:19,20 146:4,6 154:1,10,23 156:4 156:5,9,19,25 161:25 162:13 163:3 165:12 170:21,22 173:10 174:18,23 175:5 176:9 180:6 181:14 183:23 184:14,15,22 185:2 186:7 188:24 189:23 190:3,15 192:7,12 192:25 193:4,6,6,9 193:12,13,16,17 193:18 194:24	195:1 198:4,6,7 <b>knowledge</b> 9:24 53:11 108:18,19 184:18 <b>known</b> 152:5,6 177:11 193:15 <b>knows</b> 88:21,21 156:20 173:23 <b>knoxville</b> 69:8 70:23 71:9,19 72:11 76:17 77:23 78:7 79:16,24 80:1 87:1,9 <b>koger</b> 1:4,16 4:18 4:21 6:1,7,8,9 8:25 13:4,9,20 15:2 16:19 17:10 17:14 20:15 33:22 34:1 40:19,25 42:14,15 66:16,18 66:25 129:21 148:5,22,23 149:5 149:7,18,19,21,22 150:6,7 163:11 171:11 180:18 184:12 192:21 200:5 <b>koger's</b> 4:9,11,13 4:15,22 149:21 <b>groger</b> 189:22 <b>l</b> <b>l</b> 4:1 44:23 92:7,7 131:9 <b>lab</b> 61:11 <b>lacerations</b> 195:21 <b>lady</b> 107:14 166:14 <b>lady's</b> 107:15 <b>laid</b> 22:21 70:3 <b>land</b> 87:14 191:20
--	--	---	--

<b>lane</b> 12:9,21 13:15 13:23 99:24 <b>larry</b> 193:7,21 <b>lasts</b> 177:22 <b>late</b> 26:22 73:8 <b>laughed</b> 182:6 <b>laughing</b> 181:9 182:1 <b>launch</b> 187:14 <b>laura</b> 166:23 169:14 <b>law</b> 2:4,5,9,15,20 3:4 54:20 55:5,10 109:11 155:18 164:2 <b>lawful</b> 6:2 <b>lawson</b> 1:10 3:3 192:23,25 193:5 194:2,24 <b>lawson's</b> 4:14 66:15 <b>lawsuit</b> 6:21 7:3 <b>lawyer</b> 8:14 9:13 <b>lawyers</b> 8:2 63:19 <b>lay</b> 22:20 <b>leading</b> 69:6 <b>league</b> 193:22,23 <b>learn</b> 122:25 <b>learned</b> 21:3 83:21 <b>leave</b> 18:1 22:18 24:8 43:23 78:22 89:3 91:5,5 127:16 137:7,17 <b>leaving</b> 186:23,23 <b>led</b> 39:7 46:25 60:19 69:4 75:12 83:7 146:10 <b>lee</b> 21:1 81:1,10,20 81:20,21,22,24 <b>left</b> 17:25 22:4 78:13 88:20 89:22	90:2 93:25 94:1 118:23 119:3 137:20 138:24 151:13 153:8,8,15 153:17 156:1 187:21 197:21 <b>legs</b> 142:6 163:4,5 <b>leitner</b> 2:20 <b>leonard</b> 183:15,23 <b>leslie</b> 14:4,16,19 14:23 <b>letter</b> 124:11,14 <b>level</b> 62:10,13 <b>library</b> 131:1 <b>license</b> 21:14 28:18 82:14,22 84:21 85:20 <b>licensed</b> 18:21 <b>lieutenant</b> 192:23 <b>lieutenants</b> 194:2 <b>life</b> 12:9 43:1 104:14 130:1 193:15 <b>lifetime</b> 164:14 <b>light</b> 70:7 96:23 103:17 105:4,4 149:6 187:17,18 194:11 <b>lighted</b> 29:23 34:20,22 49:19,20 68:3 69:22 79:9 96:4,22 <b>lights</b> 100:22,24 101:6 <b>line</b> 177:15 <b>listed</b> 10:7,7 36:10 48:5,18 53:19 67:19 131:3 <b>lists</b> 96:6 158:23 <b>literally</b> 129:3 137:13 183:16	<b>literature</b> 123:1 <b>lithium</b> 169:25 188:25 <b>little</b> 13:15 70:6 85:10 94:15 103:17 105:4 122:7,12 129:24 131:17 187:1 193:22,23 <b>live</b> 13:23 16:20 40:11 <b>lived</b> 11:12 12:6,9 12:11,13,16,23 47:5 84:19 193:23 <b>lives</b> 14:7 39:11 40:12 86:3 <b>living</b> 6:13 47:15 <b>local</b> 132:7 <b>located</b> 16:24 86:1 <b>location</b> 19:18 <b>long</b> 15:15,19 22:2 22:12 25:21 26:13 55:13 74:8 75:5,8 86:11,13 88:1 <b>longer</b> 78:10 <b>look</b> 8:24 27:18 48:9 49:14,15 66:13,19 78:14 126:16 134:14 139:16 177:4 <b>looked</b> 111:18,18 138:13 <b>looking</b> 77:14 117:19 119:5,9,11 120:15,17 153:11 194:15 <b>lookout</b> 86:5 <b>looks</b> 28:16 39:21 174:5,13 175:4,11 176:7	<b>loose</b> 157:11 <b>lorrence</b> 38:5 <b>loss</b> 135:1 <b>lost</b> 113:16 134:24 <b>lot</b> 25:25 69:21,23 69:25 70:13,20 73:20 84:7 87:14 87:14 101:2,19,23 102:4,24 103:8,8 103:10 104:2,5 130:1,5,19,19,21 136:6 142:9 171:25 183:17,20 <b>loud</b> 7:20 163:19 163:20 168:10 <b>love</b> 179:22 <b>low</b> 5:4 6:16 143:14 <b>lower</b> 59:7 142:13 <b>loyalty</b> 179:13,14 179:22 <b>ls</b> 1:25 98:10 200:23 <b>ls1</b> 98:9 <b>lucky</b> 100:22 <b>lunatic</b> 181:10
<b>m</b>			
<b>m</b> 16:23 20:9 44:17 131:9 <b>m.l.</b> 2:21 <b>ma'am</b> 184:17,20 184:23 185:1,4,8 185:12,15 186:6 194:4,14 195:6 <b>mad</b> 181:8,13 <b>maiden</b> 17:10 <b>mail</b> 8:8 <b>maine</b> 2:14 4:4,5 72:24 184:6,11 189:18 196:11 198:21			



[making - meth]

Page 18

<b>making</b> 60:24 75:1 123:9 149:7,20 190:13	171:20 172:7 178:10 190:23	163:15 172:15 173:12,13,21 174:11 175:8,16 177:7 180:3,15 181:11 182:12,24 183:16 185:2 186:11 188:4 189:2 193:9 194:14,16	<b>members</b> 16:15 120:7 128:18 151:16 152:5,6
<b>man</b> 38:23 42:6 112:17,18 135:10	<b>marijuana</b> 37:18 46:3,11 61:2,4,12 61:19 62:6,22,24 63:4,13,15 64:19 65:2,3,6,15,18,23 66:4 76:4 89:19 89:21 90:22 94:3 94:4 157:16	<b>means</b> 77:18 122:2 128:11 173:10	<b>memory</b> 113:22 147:3,9,11,12
<b>managed</b> 132:19 133:10	<b>marked</b> 8:19,22 9:4 36:8 48:10,11 66:9,10 147:22,24 150:22,23 152:24 155:2,3 171:18 198:18	<b>measured</b> 61:12	<b>meniscus</b> 162:8
<b>manager</b> 15:6,13	<b>marion</b> 37:2	<b>mechanic</b> 26:1	<b>mental</b> 166:20 182:4,10 188:23
<b>manchester</b> 2:6	<b>mark</b> 10:1 159:15 171:16	<b>mechanical</b> 26:3	<b>mentally</b> 12:24 13:1,7
<b>mandatory</b> 54:6,9 54:12,25	<b>marked</b> 8:19,22 9:4 36:8 48:10,11 66:9,10 147:22,24 150:22,23 152:24 155:2,3 171:18 198:18	<b>media</b> 152:4	<b>mention</b> 80:19 163:10 168:2
<b>mandy</b> 175:20	<b>married</b> 13:21 17:11,11 40:9 41:11,13 42:9	<b>median</b> 104:24 105:21,22,24 106:7,8,21,22	<b>mentioned</b> 40:15 92:8 95:3 119:1 151:4 184:12 185:10 186:13 188:16
<b>mandy's</b> 78:21	<b>mart</b> 15:6,13	<b>medical</b> 4:20 117:10 136:25 139:5,11,20 140:13 141:8 155:1,6,9,24 157:14,19 158:8 160:24 162:21 169:6 170:7	<b>mentions</b> 158:12 169:9
<b>maneuver</b> 102:9 102:23	<b>martial</b> 130:15 133:19	<b>medication</b> 139:23 160:25 167:15 189:1,5 192:5	<b>menton</b> 14:11
<b>maneuvered</b> 70:1 103:5	<b>material</b> 152:4	<b>medications</b> 169:22	<b>mentone</b> 14:10,12 14:14 86:4 87:11 88:9
<b>manipulation</b> 130:21	<b>mathis</b> 2:15	<b>meet</b> 72:7,8 93:21	<b>mess</b> 127:14
<b>mantra</b> 179:16,21	<b>matter</b> 170:23	<b>meets</b> 160:20	<b>message</b> 91:25 92:17 171:12 172:22 173:4,16
<b>manufacturing</b> 37:17	<b>matters</b> 200:6	<b>member</b> 120:1,6,6 120:9 121:21 122:2,3,8 128:6 151:21,24 152:11 152:11,13 180:9 180:16,21,22 182:25 183:2 185:11	<b>met</b> 9:13 67:7 90:1 90:14 183:25 184:1,18 189:25
<b>mapco</b> 97:6	<b>mattice</b> 51:15 54:2		<b>metal</b> 21:5,5,7
<b>march</b> 4:19 11:13 12:5,12 22:24 23:10 29:1,11 36:11 43:20 44:19 45:5 48:4 49:13 49:16,17,18,21,21 53:24 55:10 58:16 58:17,18 59:23,23 59:23 66:8 68:2,2 68:5,10,14,15 71:7 73:4,7,8,8,9,9 76:19 80:6 83:15 89:7 127:25,25,25 129:1 136:18 142:20 143:7 152:20 153:2 154:25 155:10 160:1 166:3,5	<b>mean</b> 10:11 57:5 62:4 68:1 72:6 74:15 79:7,8,15 96:14 97:8 98:11 105:17 107:4 119:21 122:1 123:6 130:2 136:15 138:14 139:16 142:21,22 143:14,18 157:8 157:10 160:7,24		<b>meth</b> 52:19 55:14 58:23 63:23,24 64:9,17,19,19,20 66:4 69:7,8,9 70:23 71:24 72:19 72:22,22,25 73:1,3 73:10 74:7,9 75:14 76:4,14 77:3,4 78:5 88:16 88:20,22,25 89:3

[meth - never]

Page 19

89:16,19,21 90:20 91:3 123:10 142:22 <b>methamphetamine</b> 49:3 53:20 55:21 55:23 57:21 58:21 60:3 61:19 62:6,8 62:18 73:18 75:4 79:11,22 94:2 157:16 <b>michael</b> 42:14,15 46:15,16 186:2 <b>middle</b> 72:8 142:13 143:15 146:14,19 <b>midnight</b> 68:3,9 96:8 <b>mike</b> 89:24,24 90:3,5,9,12,14 <b>mile</b> 146:11 <b>miles</b> 98:6,21 99:19 105:7 146:11 158:12 159:9,12 <b>milligram</b> 189:6 <b>mind</b> 19:13 84:8 84:18 159:24 <b>mine</b> 47:10 48:3 183:1 <b>minimum</b> 54:7,9 54:12 <b>minimums</b> 54:25 <b>minor</b> 167:4,5 <b>minute</b> 19:14 41:14 87:22 92:20 <b>minutes</b> 84:8,19 86:17 96:7 <b>mislead</b> 65:22 <b>missing</b> 94:23 <b>missouri</b> 127:10	<b>mistake</b> 172:8 <b>mistaken</b> 65:17,21 <b>misunderstood</b> 66:3 <b>mm</b> 196:23 <b>mma</b> 10:14,15,15 10:19,20 39:10 129:23 130:3 133:23 134:2,7,7 134:11,18 135:4 191:22 195:4 <b>mobile</b> 142:21 <b>mom</b> 12:23 15:12 16:16 41:4 42:16 43:7 69:9 78:23 137:9,10 186:20 186:21 <b>mom's</b> 14:20 17:3 <b>moment</b> 43:24 69:4 197:17,21 <b>money</b> 75:1 78:4,5 78:9,11 85:15 123:23,25 132:20 135:3,5,7 178:23 <b>month</b> 56:6 76:8 140:7 <b>months</b> 8:14 11:18 12:8 28:14 40:9 54:5 56:21 122:14 122:15,24 124:3 139:6,8,14 140:4,8 140:9 154:25 158:4,5 167:5 183:9 <b>morning</b> 68:10 78:9 80:3,6,12 <b>morphine</b> 116:13 116:24 <b>morton</b> 20:1,2,5,9 21:12 22:2 26:24 27:7	<b>motel</b> 93:25 <b>mother</b> 12:8 43:13 44:22 45:2 71:1,2 77:10 <b>mother's</b> 14:21 <b>motor</b> 98:12,14,16 98:18 <b>move</b> 32:17 48:15 67:22 138:1 148:11 152:17 <b>moved</b> 11:20,25 12:20 181:25 184:2 <b>moves</b> 130:20 <b>movies</b> 118:17 <b>moving</b> 115:25 <b>mr</b> 162:24 <b>mugshot</b> 4:19 153:1,2,5 <b>mui</b> 11:7 <b>multiple</b> 164:8 <b>municipal</b> 46:3 <b>municipality</b> 111:11 <b>muscle</b> 189:9,11  <b>n</b> <b>n</b> 4:1,1 20:7,9 29:20,20 33:19 40:22,22,24,24 44:9,9,17 <b>name</b> 6:7,19 10:7 13:3,8 16:18 17:9 17:10,12,18,19,22 23:2 26:8 29:19 38:25 40:18 44:13 44:14 63:8 78:18 81:6 82:5,8,9 84:22 85:3,18 90:11 96:14 101:17,20 131:3 140:22 167:18	175:20 183:17 189:22 193:6,12 194:3 <b>named</b> 6:21 23:1 140:20 <b>names</b> 13:19 14:3 44:3 <b>napolitan</b> 2:20 <b>narcotics</b> 192:1 <b>ne</b> 3:5 <b>near</b> 77:9 159:17 <b>necessarily</b> 72:6 194:21 <b>necessary</b> 95:23 <b>neck</b> 139:24 142:12 143:15 160:16,18,19 188:10 <b>neck's</b> 160:23 <b>need</b> 33:23 50:19 140:12 167:20 184:9 192:13,17 <b>needed</b> 116:18 140:14 141:7,8 192:12 <b>needle</b> 79:13,14 <b>needles</b> 79:21 <b>neighbors</b> 34:24 87:15 <b>neither</b> 169:25 200:9 <b>nerve</b> 163:8 <b>nerves</b> 163:5 189:10 <b>nervous</b> 163:17,24 <b>neutral</b> 103:1 <b>never</b> 21:23 27:12 28:19,22 31:13 33:7,9,10 35:23,24 37:8 52:22,23 55:17 68:19 74:7
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[never - okay]

Page 20

81:14,14 88:20,22 93:23,24 95:12 99:12 100:24 105:18,19 106:2,7 106:21 110:9 111:18 114:9,9 116:2 119:19 126:12,13 132:11 132:16 136:1 140:15,16 141:10 141:14 142:20 143:3,5 144:11 151:24 152:12 154:11 160:6,7,10 164:22,22 168:20 169:2 183:25 184:1 188:9,12,15 191:17,19,21,24 192:4 <b>new</b> 86:6 131:11 131:12,15 <b>nickname</b> 10:8,9 10:13,16 11:1,3 <b>nigga</b> 175:7 <b>night</b> 43:19,23 71:8,9 72:18 76:19 101:1 125:13 142:19 155:9,12,13 194:13 <b>nine</b> 42:20 78:25 133:12 <b>nissan</b> 29:16 <b>noise</b> 168:10 <b>noises</b> 163:19 <b>nolle</b> 39:2 45:25 <b>nora</b> 16:17,19 17:1 <b>nora's</b> 16:18 <b>normal</b> 177:6 <b>normally</b> 50:9 198:22	<b>north</b> 17:5 135:22 <b>northern</b> 1:2 5:8 81:4,4 <b>nose</b> 125:22 <b>notary</b> 200:23 <b>notch</b> 103:21 104:1 <b>notice</b> 5:4 31:13 <b>november</b> 28:16 182:3,17 <b>ns</b> 40:23 <b>numb</b> 142:6 163:4 163:4,6 <b>number</b> 4:8 8:19 26:24 48:11 147:24 150:23 152:5,24 155:3 171:18 197:16 198:18 <b>numbers</b> 66:10 <b>nurse</b> 117:9 163:7 <b>nurses</b> 138:5,10,12 <b>o</b> <b>o</b> 4:1,1 19:9,10 20:7,9,9 41:3 44:17 <b>o'clock</b> 80:12 101:1 <b>oaks</b> 80:23,23,24 80:24 81:17,18 <b>oath</b> 9:7 52:3 53:2 63:18,19 145:22 <b>object</b> 52:11 53:13 58:24 59:8,12 65:12 74:13 79:5 109:1 111:3 118:9 118:15 126:11 143:9 144:1,24 145:25 146:12,23 151:22 154:19,20 162:14 167:25	168:24 173:1 180:2 <b>objection</b> 59:13 <b>objections</b> 4:9,12 4:14,16,22 <b>observed</b> 151:10 151:11 <b>obtained</b> 18:9 21:14,16,24 22:4 <b>occasionally</b> 76:6 <b>occurred</b> 23:9 140:7 <b>october</b> 32:20 33:4 33:6,14 34:4 126:3 128:25 129:1 <b>odd</b> 23:1 <b>odds</b> 23:7 25:25 <b>office</b> 9:19 67:9 85:8,9 171:5 200:18 <b>officer</b> 4:10 28:9 38:9 97:12,23 98:20 106:23 107:14 112:14 140:20,21,22 149:6,20 150:15 150:17 161:17 <b>officer's</b> 9:1 <b>officers</b> 6:21 7:3 8:2 36:13 107:18 111:8,16 112:20 112:25 137:6 140:19 145:5,15 154:18 157:2,2 180:1 183:13 184:14 191:6 <b>oglethorpe</b> 184:13 <b>oh</b> 8:3 11:7 186:10 <b>okay</b> 7:4,10,12,18 7:21 8:12,17,18	9:13,22 10:22,25 11:8,11 13:7 14:16 15:2,17 16:10 17:3 18:3 18:16,20 19:11 21:7 22:23 23:6 24:4,25 26:23 27:6,9,22 28:21 29:5 30:7,10,21 33:20 34:4,16 36:23 37:13 38:6 39:2 40:3,23 41:2 41:16 42:3,12 43:3,22 44:8 45:4 47:7 49:20 50:2,7 50:15 53:2,6,9,18 55:9,13 59:5 60:2 60:5 61:15 62:7 62:22 63:24 64:2 64:4,8,10,22 65:1 65:8 66:3,8 67:4 67:13 68:18,20,25 70:20,21 71:6 72:18 73:12 76:12 77:10 78:17 79:10 80:10 81:23 82:21 83:18 84:15 85:6 85:17,22 86:16,18 86:23 87:6,17 88:6,13,18 90:2,18 91:24 94:14 96:3 96:10,21 97:19 98:20 101:8 102:6 103:11 104:4,7 105:12 106:16 107:1,5,9,13,17 108:1,5 109:5,7 110:12,18 111:8 112:7,23,25 113:6 113:12 114:17 115:13 116:3,7,15
---	---	--	--



[okay - person]

Page 21

116:20 119:13,23 121:22,24 123:15 126:21 128:6 129:23 130:7,11 130:23 132:14,25 133:2,5 134:10 135:3,12 138:21 139:7,12,22 141:6 144:16 145:8,14 151:15 152:1,16 155:11 156:15 160:9 162:5,23 166:1 167:8,13 171:24 177:13 178:3 180:13 184:4,21 185:5,21 187:7 188:16 191:22 193:8,25 194:23 195:4 198:4,10,16 <b>oklahoma</b> 11:25 <b>old</b> 6:11,12 10:17 12:14,16 13:16 14:16 17:1,20 41:8 42:20 43:5 44:12,21 74:9 81:20,21,24 130:6 130:9,10 132:19 <b>older</b> 74:12,17,25 <b>oldest</b> 12:8 69:8 <b>once</b> 11:24 56:9 70:14 73:20,24,25 74:1,8,20 76:8 79:25 80:1 103:12 113:11 121:17,19 121:19 122:5 128:6 144:2,16 146:20 159:22 170:24 <b>open</b> 46:13 51:4 51:11,17 107:20	165:21 196:4 <b>opened</b> 110:17 111:5 <b>operating</b> 17:21 <b>operation</b> 55:4 <b>opiates</b> 77:7,7 <b>opinion</b> 126:18 <b>opportunity</b> 120:9 <b>opposed</b> 134:15 185:25 <b>opposite</b> 103:13 <b>orbital</b> 153:15,17 154:3,13 <b>order</b> 50:21 171:21 198:21 <b>orders</b> 109:12,14 110:21 198:19 <b>organization</b> 122:7 195:7 196:5 <b>original</b> 183:19 200:14 <b>ounce</b> 61:6 65:3,18 <b>outcome</b> 200:12 <b>outside</b> 110:19 <b>outstanding</b> 83:1 <b>overnight</b> 69:10 78:3 <b>owner</b> 183:14,19 <b>p</b> <b>p</b> 23:3 <b>p.c.</b> 2:10 <b>p.m.</b> 88:11 96:7 199:4 <b>pacino</b> 176:17 181:1 <b>packaged</b> 64:10 <b>page</b> 4:1,8 27:19 170:9,12,15,16 173:15 177:1 <b>pages</b> 170:19 171:17	<b>paid</b> 23:6 24:16,23 59:2 80:14 90:25 134:15 136:9,14 <b>pain</b> 139:24,24 143:13,14 <b>pains</b> 168:7,18,22 <b>palm</b> 196:16,18 <b>panic</b> 168:2,5,12 168:22 169:4,7 <b>paper</b> 18:14 <b>paragraph</b> 52:9 <b>parents</b> 13:15,18 13:19 37:7 130:4 <b>parking</b> 69:21,23 69:25 <b>parkway</b> 2:16 <b>part</b> 8:15 50:21 90:2 129:13 145:10,11 159:10 179:14 191:11 <b>particular</b> 161:3,4 161:15 172:24 174:15,16 <b>parties</b> 200:10,11 200:13,16 <b>parts</b> 142:10 <b>party</b> 59:11 <b>passed</b> 81:15 92:10 128:7 133:21 <b>passenger</b> 29:12 29:13 30:5 34:16 46:10 107:6 158:9 164:17,18 <b>passing</b> 100:25 <b>passion</b> 134:24 <b>pasture</b> 31:1,2 191:4 <b>pat</b> 156:25 157:2,2 <b>patient</b> 155:20 157:15,20,21,22	<b>patrol</b> 102:11 106:15,20 148:14 194:19 <b>patted</b> 157:6 <b>pay</b> 64:2 85:13 <b>paying</b> 25:15 123:2,2,25 <b>payment</b> 90:18 <b>peachtree</b> 3:5 <b>peeled</b> 97:2 <b>pending</b> 5:7 31:16 31:20 34:6 165:18 165:19,20 186:12 <b>pensacola</b> 131:17 131:18 <b>people</b> 74:4 78:4 95:24 100:13 121:20 123:16 127:18 128:12,13 129:20 136:5,8,15 146:10 163:19,19 163:22 168:10 172:11,16,18 175:9,10 178:1,3 181:15 183:20 185:18 <b>percent</b> 56:17 62:10,16,18 123:8 179:2,2 <b>percentage</b> 123:7 179:1 <b>period</b> 20:22 58:8 122:13,14 134:17 176:3 <b>periods</b> 129:16 <b>permanent</b> 143:4 143:6,12 <b>permit</b> 95:10,12 <b>person</b> 47:2 84:13 84:14 89:3 111:22 111:25 127:14
---	--	---	--

[person - prior]

Page 22

141:10 157:9 172:24 173:23 <b>personal</b> 75:2 173:2 <b>personally</b> 67:17 193:17,18 <b>persons</b> 200:13 <b>phil</b> 193:23 <b>phillip</b> 1:4,16 4:9 4:11,13,15,18,21 4:22 6:1,8 13:20 129:21 200:5 <b>phillips</b> 135:20 136:2 <b>phone</b> 84:10 137:8 137:8 186:22 190:11 <b>phones</b> 61:20 <b>phonetic</b> 38:5 <b>photographed</b> 152:5 <b>physical</b> 19:18 195:11,18 <b>pic</b> 173:5 177:2 <b>pick</b> 63:15 69:19 77:14,18,25 79:2 86:8 89:23 177:17 178:1 <b>picked</b> 52:20 69:7 71:23 72:1 89:19 91:15 149:20 150:17 178:3 <b>picking</b> 72:5 87:12 <b>picture</b> 155:25 172:8 173:10,13 176:7 177:5,6 182:18,20,21 <b>pictures</b> 92:18 114:17 <b>pills</b> 76:5	<b>pinched</b> 163:5,8 189:10 <b>pinned</b> 107:7,10 <b>pissed</b> 181:12 <b>pistol</b> 46:23 47:2 47:19 48:2 95:23 196:23 <b>pistols</b> 87:7 <b>pit</b> 70:1 102:23,23 103:4 <b>place</b> 80:13 107:3 131:10,24 135:18 164:23 <b>placed</b> 145:24 <b>plaintiff</b> 1:6 2:3 4:9,11,11,13,13,15 4:15,17,22 <b>plaintiff's</b> 10:1 <b>play</b> 165:17 <b>plea</b> 49:6 50:5,8 50:11,12,20,24 51:1,10,10,11,12 51:12,13,17,20 52:7,8,10,25 53:5 53:10 54:7 <b>plead</b> 28:18 50:10 51:4,17 83:10,11 <b>please</b> 6:7 7:10 10:2 197:20 <b>pled</b> 50:2 53:15 61:22 <b>pllc</b> 2:5,20 <b>plus</b> 58:5 <b>pocket</b> 37:23 38:12 94:19 156:22,23 <b>point</b> 70:1 88:15 89:17,20 111:21 113:15,17,19,22 116:2 146:25 147:7 150:4	156:16 158:18 162:6 163:13,16 183:11 185:7 197:25 <b>pointing</b> 118:23 <b>points</b> 31:19,24 32:8,11 <b>pole</b> 103:17 105:4 105:5 <b>police</b> 34:23,24 37:22 38:9,10 43:17 61:7 64:17 65:9,25 68:22 77:14 83:7 136:20 137:22 138:25 143:7,20 157:21 157:22 158:15,16 163:25 166:7 178:16 179:25 180:1,11,19 182:19 183:5 191:25 <b>pops</b> 187:24 <b>portion</b> 159:7 <b>position</b> 102:8 107:1 178:18 179:10 <b>possessed</b> 38:6 49:24 <b>possessing</b> 37:18 53:22 <b>possession</b> 35:3 37:18 46:3 49:10 49:22 69:15 185:25 186:1,2 <b>post</b> 85:8,9 173:2 173:3,6 175:4 181:1,22 182:20 187:17,18 <b>posted</b> 31:7 35:17 35:17 172:5,7	174:14 175:11,19 177:1,6 181:5 182:3,7 <b>posts</b> 171:14,25 172:1 181:5 <b>potential</b> 9:15 <b>pound</b> 55:22 57:13 57:14,16 58:21,23 59:6,20,25 60:6,8 60:16 61:4 62:24 63:17,22,25 65:19 65:23 69:8 70:23 71:24 90:20,23 123:10 <b>pounds</b> 59:19 72:5 125:7 <b>practitioner</b> 133:15,15 <b>prednisone</b> 189:6 189:7 <b>prepared</b> 28:8 148:4 <b>prescription</b> 192:5 <b>presence</b> 49:10 <b>present</b> 59:14 <b>presentation</b> 155:15 <b>presentence</b> 28:3 <b>presenting</b> 155:17 <b>presents</b> 155:17 <b>preserving</b> 59:9 <b>pretty</b> 24:16 68:3 133:18 142:14 <b>previous</b> 72:20 <b>previously</b> 8:22 127:21 <b>primary</b> 163:1 <b>printer</b> 170:25 <b>printout</b> 4:21 <b>prior</b> 12:5 21:21 52:13 58:15 72:21
---	---	---	--

[prior - quit]

Page 23

154:20 155:21 200:5 <b>prison</b> 43:3 127:3 127:7,8 140:21 197:13 <b>privy</b> 122:11 <b>probably</b> 10:17 15:16 16:9,9 22:13 57:15 58:17 60:4 72:20 74:10 74:16 75:10 76:1 77:15 80:12 98:6 102:21 128:17 129:22 130:4 132:6 134:9,19 135:2,11,11 140:8 140:8 142:25 143:2 175:1 178:11 179:6 183:21 187:18 196:16 <b>probation</b> 28:8 38:8,9 <b>probationary</b> 122:13 <b>problem</b> 72:23 142:5 <b>problems</b> 139:24 142:20 188:7,10 188:23 <b>procedurally</b> 51:14 <b>procedure</b> 5:10 121:14 200:17 <b>proceeded</b> 54:1 <b>proceeding</b> 200:10 <b>proceeds</b> 85:16 <b>process</b> 195:17 196:7 <b>produced</b> 5:3	<b>product</b> 9:20 74:3 <b>production</b> 4:11 67:16 <b>professional</b> 137:1 166:20 169:6 200:4 <b>professionals</b> 170:7 <b>profile</b> 173:5,7,9 173:10,13 177:2 182:18,21 <b>profit</b> 123:3 <b>promotion</b> 181:2 <b>proper</b> 162:21 <b>property</b> 12:15 26:2 32:21 34:6 35:4 37:2 <b>propounded</b> 4:11 6:3 <b>prosecute</b> 165:17 <b>prospect</b> 121:18 122:6,14,15,23 124:3 179:4 <b>prospected</b> 121:19 <b>prospects</b> 128:13 128:21 129:6 179:3 191:10 <b>crossed</b> 39:2 45:25 <b>protect</b> 95:18 <b>provide</b> 200:16 <b>provided</b> 52:12 63:20 140:17 148:8 158:19 <b>psr</b> 28:4 <b>psychiatrist</b> 166:20 <b>psychologist</b> 166:19 <b>ptsd</b> 182:12	<b>public</b> 17:15 200:23 <b>pull</b> 37:22 69:21 69:23,24 70:11 89:6 97:2 107:19 110:3 <b>pulled</b> 30:1 34:12 34:19 70:8,12 97:1 101:7 103:8 107:20 109:18,22 110:9,12,16,24 111:5,8,20 112:20 114:23 157:12 197:21 <b>pulling</b> 101:23 <b>punch</b> 124:22 191:20 <b>punishment</b> 177:24 <b>purchase</b> 55:25 59:24 <b>purchased</b> 58:7,12 58:15 64:8 84:25 <b>purchases</b> 56:3 <b>purchasing</b> 37:18 57:21 <b>pure</b> 62:18 <b>purity</b> 62:10,13 <b>purpose</b> 100:7 172:10 <b>purposes</b> 5:9 59:10 157:3 <b>pursuant</b> 5:3,9 50:24 <b>pushed</b> 106:21 <b>pushups</b> 142:25 143:1 189:15 <b>pussy</b> 174:11 <b>put</b> 38:7 53:2 64:14 70:10 73:7 84:21,21 85:17	89:1 90:17 91:9 91:19 102:25 107:15,20,22 108:9 109:7,18,21 110:7 113:1 121:17 122:4 128:12 130:4 144:6 145:15 169:24 <b>puts</b> 112:8 <b>q</b> <b>quantities</b> 58:21 59:6,21 60:6,9 123:10 <b>quantity</b> 57:6,10 <b>quarter</b> 55:22 57:13,14,16 58:21 58:23 59:6,19,20 59:25 60:6,8,16 63:16 69:7 70:22 71:23 73:23 75:16 90:20 123:10 <b>quash</b> 173:24 <b>quater</b> 72:5 <b>question</b> 7:8 8:1 8:17 52:13 59:17 65:24 75:19 107:5 117:7 140:2 154:20 155:23 159:10 161:21 179:19 183:13 <b>questions</b> 6:3 7:2 8:6 9:14,15 19:16 73:5 165:14 171:24 192:22,24 197:3 <b>quick</b> 183:12 <b>quickly</b> 184:6 <b>quit</b> 26:14 167:21 167:22
--	---	---	--

[quite - requested]

Page 24

<b>quite</b> 123:23	<b>realized</b> 75:1	<b>recollection</b> 25:8	<b>relinquish</b> 200:14
<b>r</b>	<b>really</b> 41:17 70:13	81:6	<b>remains</b> 51:13,13
<b>r</b> 2:4 20:7,9 23:3	73:20 74:3,7,14,14	<b>record</b> 7:21 15:10	<b>remember</b> 12:14
33:19 40:22 41:3	74:20 75:17 81:11	20:10 27:18,25	16:2 26:8 38:25
44:17,23 131:7	81:14 101:1 118:3	33:22 34:1 50:18	46:14 50:15 70:13
<b>rachel</b> 174:17,18	118:10 129:25	50:21 59:10 66:15	70:16 71:18,21
<b>racing</b> 98:12	130:16,17,25	66:22 81:7 135:1	107:25 111:21,24
<b>railroad</b> 98:4	134:24 135:13	171:9 197:5	111:25 113:4,7,8
101:9	138:1,19 139:10	198:12,20 200:8	113:12,17,19
<b>raise</b> 178:25	142:8 159:22,23	<b>records</b> 4:20 25:12	115:9,9,12 116:5
<b>raised</b> 13:10 14:18	160:16,20,22	140:16,17 155:1,7	116:17 117:2,3,6
<b>ran</b> 68:17 103:3,18	163:14 167:11	155:9,12,13,14,24	117:16 137:3
104:22 105:18	179:2 180:15	157:14,19,20	140:10,19,22
106:11 164:13,19	181:14 197:12	158:8 159:6	143:25 148:20,24
187:2	<b>rear</b> 68:22,24 99:6	<b>recross</b> 4:5,6	149:10 194:12
<b>ranked</b> 179:6	99:8,23 106:15,20	196:10 197:7	198:1
<b>rape</b> 178:14	<b>reason</b> 77:11	<b>red</b> 100:21,24	<b>remembers</b> 50:22
<b>rate</b> 24:17	96:22 99:14 112:3	133:1,2,3,8,16	<b>rephrase</b> 7:9 61:9
<b>ray</b> 132:13 142:15	126:20	<b>redeeming</b> 118:13	107:5
<b>rayed</b> 142:11	<b>recall</b> 39:23 46:7	<b>reduced</b> 200:7	<b>reply</b> 6:3
153:24	46:20 50:12 53:2	<b>referring</b> 36:7	<b>report</b> 7:21 28:4
<b>rays</b> 142:4,10	97:24 101:23	152:1 174:22	61:16,21 62:12
153:22 160:25	114:2 115:17	<b>refund</b> 23:21	64:17 150:6
<b>reach</b> 107:22	117:9,14 136:23	<b>regarding</b> 18:12	<b>reported</b> 1:25
109:25	136:25 137:4	<b>registered</b> 96:13	<b>reporter</b> 131:6
<b>reached</b> 98:21	138:8 139:4	96:14 200:4	179:17 197:18
99:18	144:17 145:14	<b>registration</b> 96:10	198:19 200:4,4
<b>read</b> 8:25 9:11,14	146:22 149:1,9,15	<b>regular</b> 79:20	<b>reporter's</b> 4:7
17:24 18:12 50:10	153:16,20 154:2	<b>rejected</b> 50:20	200:1
52:1 53:8 65:18	158:1,3,6 167:18	51:12	<b>reports</b> 61:7,11,15
99:17 102:14	172:23 182:7	<b>related</b> 36:18	65:2,6 143:5
116:23 117:1,8	<b>receive</b> 28:3 54:4	152:2,4 183:5	157:13 183:14
137:15 148:21	153:22 162:21	200:10	<b>represent</b> 6:20
151:13 155:16	<b>received</b> 27:12	<b>relating</b> 168:9	189:23 192:22
159:6 174:8	33:7 35:24 36:24	<b>relationship</b> 43:6	<b>representing</b>
175:12 181:7	54:22 139:4,11	43:12	184:13
182:17	154:24 155:21	<b>relative</b> 200:11	<b>reputation</b> 179:25
<b>reads</b> 61:9	158:13 162:24	<b>relatively</b> 188:17	<b>request</b> 4:10 66:14
<b>real</b> 139:10 142:21	<b>recognize</b> 185:6	<b>released</b> 31:9 36:2	170:25
142:21 163:13,20	193:2,5,10,11,16	56:18	<b>requested</b> 170:20
184:6 187:24			170:22,24 200:18

[requests - rolled]

Page 25

<b>requests</b> 4:12 67:16 <b>require</b> 51:11 <b>requirements</b> 133:17 <b>requires</b> 54:20 200:14,16 <b>resist</b> 30:19 143:23,24 144:3,7 144:22 145:23 146:3,7,20 147:1 191:6 <b>resisting</b> 29:3 30:17 144:12 149:8,8,16,16,18 149:20 150:16,16 157:22 190:24 198:5 <b>respect</b> 67:15 179:23 <b>responded</b> 181:15 <b>responds</b> 174:17 <b>response</b> 27:17 174:24 175:19 <b>responses</b> 4:9,12 4:14,16,22 7:15 8:10 9:1,19 26:23 40:5 66:17,18 67:2,5 166:10 192:11 197:2 198:14 <b>responsibility</b> 29:7 <b>responsible</b> 191:9 <b>rest</b> 12:8 27:22 62:4 98:16 107:2 108:3 115:22 175:6 198:10 <b>restarted</b> 70:2 <b>resting</b> 107:2	<b>restrained</b> 158:9 <b>restrictions</b> 18:12 <b>restroom</b> 147:19 <b>result</b> 48:5 54:7 143:6 168:22 <b>return</b> 23:15,19,25 25:1 <b>returned</b> 37:8 <b>review</b> 52:13,14 67:16 148:4 151:1 197:1 198:10 200:17 <b>reviewed</b> 9:9 28:13 67:10 <b>revisit</b> 11:16 <b>ricardo</b> 131:5 <b>rico</b> 186:11 <b>ride</b> 86:11 <b>ridge</b> 15:7,8,9,13 103:14 <b>right</b> 6:23 9:18 12:3 16:13 18:18 20:3 21:10,19 23:12 24:19 25:22 25:25 27:12,13 28:16 32:8 34:2 34:10 40:15,20 41:23 45:22 49:25 50:3 51:24 54:6 55:2 58:14 59:6 61:23,24,25 66:3,7 67:25 70:5 76:25 77:25 78:9,12 79:3,4 80:21 81:1 81:3,4,13 82:3,3 83:1,4,9,24 84:1,7 84:20 85:7,8,9,20 86:11 87:7 89:14 90:13 91:1 92:24 95:6,12,21 96:1,13 97:4,7,11,15,25	99:1,4,14 100:8,9 100:11,14 101:9 101:12,18 102:17 103:16 104:25 105:6 106:18 108:1,6,7 109:9,21 110:1,24 111:2 112:10 123:18 125:6 128:4 133:25 135:4 136:17 137:11 138:24 139:3,19 141:17,18 144:8 145:16,20,21 146:8 147:14 148:10 151:18 152:16,23 153:5 153:18 155:7,15 156:11 160:20,21 160:22 161:9 162:7,8 165:7,10 165:13,14,15,19 166:3 168:14,20 170:9 171:16 172:3 173:14 174:2 177:2 180:7 180:17,18 181:16 182:6 183:10 187:2,5 189:5 190:6 194:25 <b>ring</b> 194:3 <b>ringgold</b> 12:9,21 13:24 16:25 19:19 131:25 132:5,11 132:17 135:17 166:22 <b>rinky</b> 85:10 <b>risk</b> 74:21 <b>river</b> 131:11,12,16 <b>ro</b> 44:14	<b>road</b> 5:5 14:8 16:23 26:8,9 30:9 30:25 34:20 52:20 70:4,5 80:22,24 81:15 96:5,6 97:22,23,24 98:2,3 98:22 99:2,2,15,16 99:16,21,24 100:1 100:10,23,24 101:8,20,22,24 102:5,21 103:14 103:15,16,17,21 104:1,8 146:15,19 191:3,3 <b>roadway</b> 80:17 82:1 84:1 89:12 91:17,19 94:1 102:10 <b>rob</b> 23:1 25:15 39:10 <b>rob's</b> 26:4 71:16 <b>robbed</b> 38:23 39:7 172:16,19 <b>robin</b> 41:5,10 43:7 43:14,15,15,17 69:12 70:24,25 71:11,18 72:18 76:20,23 77:10 79:10 84:2,23 88:16 186:14,17 <b>robin's</b> 82:5 84:22 85:18 96:14 <b>robins</b> 19:25 20:1 20:4 21:12 22:2 26:24 27:7 <b>rock</b> 12:17 101:23 <b>role</b> 177:8 <b>roles</b> 184:25 <b>roll</b> 105:20 <b>rolled</b> 64:18 116:3
---	--	---	---



[rolling - seven]

Page 26

<b>rolling</b> 115:9,12 115:17,25 <b>rome</b> 1:3 5:8 <b>romines</b> 44:13,15 44:23,24 45:1 <b>roofing</b> 20:23,24 21:1 <b>room</b> 8:8 37:21 38:2,10 47:10,17 69:11,13 76:19 78:15,17,17 79:18 82:6 88:19,24 89:22 <b>rossville</b> 26:7 84:19 85:5 90:15 <b>rough</b> 187:25 <b>roughly</b> 25:16 57:17 58:25 60:25 122:14 123:13,14 139:6 <b>rpr</b> 1:25 200:23 <b>rule</b> 200:17 <b>rules</b> 5:10 200:17 <b>rumor</b> 173:24 <b>rumors</b> 173:21,22 <b>run</b> 38:8 54:15,17 54:18 70:5 99:5,8 106:25 107:18 109:16 175:14,15 175:18 189:16 <b>running</b> 70:11 100:20 111:19,20 175:14 191:25 <b>rupture</b> 159:3,4 <b>ruptured</b> 138:20 138:22 141:10,15 150:12 <b>ruth</b> 13:4 <b>ryder</b> 174:17	<b>s</b> <b>s</b> 4:1,19 16:23 19:8 19:9,10 20:7 23:3 29:20 44:17,23 92:7 101:20 166:24 <b>safety</b> 157:3 <b>sauer</b> 94:15,16 <b>saw</b> 28:6 112:15 193:3 194:19 <b>saying</b> 36:3 53:10 65:13 106:11 110:14 112:13 134:6 138:10 143:6,19,21 147:2 150:9,18 182:10 187:4 <b>says</b> 6:3 26:24 28:21 49:16 65:14 99:4,18 102:6 103:20,25 119:18 148:13,22 149:5 150:6,7,11 157:15 158:13 159:8,11 174:8,10,11,20 175:13,25 <b>scan</b> 162:24 <b>scar</b> 153:18 <b>scared</b> 77:7 <b>scarface</b> 176:20 <b>scene</b> 34:25 197:22 <b>school</b> 17:16,17 18:3,7 20:16 101:19,19 <b>screaming</b> 70:9 163:20 <b>scrotal</b> 158:24 <b>scrotum</b> 158:25 <b>seal</b> 200:18	<b>search</b> 157:1 <b>searching</b> 117:19 <b>seat</b> 157:12 164:18 <b>seatbelt</b> 108:6 158:10 <b>sec</b> 32:17 <b>second</b> 7:12 20:11 33:21,23 120:11 120:11 141:2 192:18 <b>seconds</b> 121:20 124:7 125:16 126:13 129:6 177:19,22 178:6 <b>security</b> 137:16,25 <b>sedative</b> 155:21 <b>see</b> 9:20 45:19 49:14 61:25 62:1 65:5 101:6 104:7 109:6 112:15 122:4 140:11,12 140:14,24 148:19 152:1 153:4 155:15 166:19 167:1 173:15 174:6,20 175:14 175:17 189:10 193:25 194:17,17 195:2,2 <b>seeing</b> 111:25 167:8,10 194:12 <b>seen</b> 8:9 40:8,10 61:7,11,15,17,18 61:21 65:2,6,14 104:13 108:22 111:19,19 114:17 140:17 141:1 143:3,5 145:3,5,8 145:11 147:16 156:21 166:14,14 186:21 190:17,18	190:20 191:2 194:15 <b>sees</b> 173:14,20 <b>self</b> 34:2 <b>sell</b> 72:13 93:19 122:25 <b>selling</b> 37:17 60:8 60:22 75:9 123:9 <b>semi</b> 198:8 <b>send</b> 116:18 160:25 171:4 <b>sending</b> 172:22 173:16 <b>senior</b> 17:25 18:2 <b>sent</b> 33:8 56:21 92:18 <b>sentence</b> 27:21 28:3 36:24 54:4 54:22 56:6,17,22 56:24 57:5 <b>sentenced</b> 11:24 <b>sentences</b> 54:7 <b>sentencing</b> 51:14 54:1 <b>sentimental</b> 93:5 <b>september</b> 46:17 47:12 <b>sequatchie</b> 29:3 32:1,19 33:8,9 190:22 <b>sergeant</b> 6:20 66:14 154:18 <b>served</b> 8:13 <b>service</b> 200:16 <b>serving</b> 27:21 <b>set</b> 4:10,23 9:1 17:24 51:2,3 52:9 155:1 172:16,19 <b>sets</b> 28:11 107:23 <b>seven</b> 12:13,15,16 12:21 25:23 32:8
---	---	---	---

[seven - sort]

Page 27

48:24 60:12,13 178:11,12 <b>severity</b> 32:6,8 <b>shabby</b> 139:11 <b>shallowford</b> 80:24 <b>shape</b> 137:18 138:2 176:11 <b>sheep</b> 172:8,17,17 173:25 <b>sheriff</b> 29:24 194:6 <b>sheriff's</b> 4:20 <b>shirt</b> 194:11 <b>shit</b> 115:11 116:1 138:9 174:12 <b>shook</b> 41:19 <b>shoot</b> 87:12,15,18 146:8,14,19 <b>shooting</b> 87:18 <b>shops</b> 26:1 <b>short</b> 20:12 33:24 47:6 66:23 120:12 147:20 149:19 150:24 <b>shot</b> 86:19,21 87:23 102:18 196:21,22 <b>shoulder</b> 142:13 <b>show</b> 6:25 8:6,13 8:21 18:16 27:15 48:9 112:13 147:16 150:21 152:23 155:5 159:5 171:3 176:6 185:5 <b>showed</b> 34:25 38:9 66:25 84:16 108:20 <b>shower</b> 91:7 <b>showing</b> 23:14 62:13	<b>shown</b> 147:22 <b>shows</b> 37:4 38:19 108:23 183:14 <b>sic</b> 70:6 <b>side</b> 14:20,20,21 34:19 107:6,9,10 110:1 112:23 115:3,4 153:5,8 155:19,24 156:1,2 156:3 <b>sig</b> 94:15,16 <b>sign</b> 127:18 <b>signature</b> 200:22 <b>signed</b> 127:22 171:6 <b>significant</b> 169:10 <b>signify</b> 117:23 <b>silverdale</b> 11:20 69:22 141:19 <b>simple</b> 38:20 39:12 <b>simply</b> 119:20 134:12 163:23 <b>single</b> 19:8 20:7 64:12 129:9 <b>sir</b> 6:18 7:5,7,14 7:22,25 9:3,6,8,10 9:11,12,17,21,25 10:5,6,20 11:2,19 11:23 12:1,4 13:6 13:12,25 14:2,24 15:1,4,24 18:6,8 18:10,13,15,19,23 19:15 20:8 23:17 27:11,14 28:1,5,7 28:10,12,15,24 29:4,25 30:2,6,14 30:16,18,20,22,24 31:4,8,10,17,21,25 32:2,7,14,16,22 33:15 34:9,11,13	34:15,18 35:1,12 35:14,19,21 36:5 36:12,15,25 37:3,6 37:19 41:9 48:14 48:20 53:12,17,21 53:25 54:3,8 56:7 56:14,16,23 61:14 62:25 66:6 67:3,6 67:12 121:10 125:18,25 148:6,9 151:2,8 171:23 172:21 175:2 189:24 190:5,8 198:15 <b>sisk</b> 193:6,13 <b>sister</b> 14:4,6,7,19 16:4,16 17:3,3,4 175:20 181:18 <b>sister's</b> 78:20 86:2 87:14 91:13 <b>sisters</b> 14:1,22 <b>sisters's</b> 87:20 <b>sit</b> 53:9 141:14 <b>site</b> 19:22 184:25 196:3 <b>sitting</b> 48:6 106:17 160:15 <b>situation</b> 78:3 167:14 <b>six</b> 40:9 56:21 122:14,15,24 124:3 179:6 186:7 <b>size</b> 125:6,8 <b>sized</b> 160:8,12 <b>sketchy</b> 163:14 <b>skipped</b> 181:8 <b>slammed</b> 149:22 <b>slowed</b> 74:14 97:3 99:5,14 106:12 <b>small</b> 135:10 178:14	<b>smaller</b> 130:18 <b>smoked</b> 73:15 75:17,20 <b>smoking</b> 75:22,24 75:25 79:12 167:12 <b>snatched</b> 107:20 110:5,17 <b>snitch</b> 175:6,7 176:1,2 <b>snort</b> 73:14,16 79:19 <b>snorting</b> 79:12,22 88:18 <b>social</b> 152:4 <b>socket</b> 125:22 153:15,17 154:3 <b>softball</b> 160:7,12 <b>sold</b> 13:14 55:20 58:8 60:16 69:9 72:10 88:21 183:20 <b>somebody</b> 46:23 181:13 <b>someone's</b> 29:11 <b>somewhat</b> 116:4 129:19 159:17 197:24 <b>son's</b> 12:8 <b>sonogram</b> 141:1 <b>soon</b> 22:4 68:9 <b>sore</b> 137:6 161:11 161:12,13,24 <b>soreness</b> 162:3 163:2 <b>sorry</b> 6:22 7:17 72:24 105:2 151:7 179:17 187:1 196:17 197:18 <b>sort</b> 176:8 195:11
--	--	---	--

[sound - stopped]

Page 28

<b>sound</b> 96:8	<b>spirit</b> 16:3 19:20	173:1,4,6 180:2	<b>staying</b> 38:24 39:7
<b>sounded</b> 187:3	<b>split</b> 40:9	184:4 192:14	<b>stays</b> 161:12,13
<b>source</b> 71:24	<b>sponsor</b> 123:25	197:3 198:17,23	<b>stds</b> 195:13
72:16	<b>sponsored</b> 122:10	<b>stanfordlawfirm</b>	<b>stealing</b> 35:5
<b>south</b> 17:5 46:18	122:17,21 128:23	2:7	65:25 66:1
47:5,12 80:18,18	129:7 135:14	<b>start</b> 19:4,7 20:18	<b>steel</b> 21:2 113:9
104:1 135:22	<b>sponsorships</b>	22:15 27:18 58:20	<b>steele</b> 92:5,6
<b>southeast</b> 17:6	135:5	59:6,7 60:2 69:1	<b>stenotype</b> 200:7
<b>spanish</b> 10:12 11:4	<b>spot</b> 131:17	130:2,11,13 188:1	<b>step</b> 121:24 133:22
<b>speak</b> 33:23 44:25	<b>sprague</b> 23:1,4,5	188:3,4	147:19
<b>speaking</b> 188:18	25:15	<b>started</b> 10:18,20	<b>stephen</b> 1:8 2:13
<b>special</b> 21:5 148:2	<b>sprague's</b> 71:16	19:20 22:11 59:18	4:17 184:15
148:3,19	<b>spread</b> 173:21,22	59:18,20 60:5	<b>steps</b> 121:22
<b>specialist</b> 140:11	<b>springs</b> 12:18	68:14 69:5 70:9	133:11
<b>specialty</b> 21:5,7	103:14,15 106:18	70:22 75:9 130:4	<b>steroids</b> 142:7
<b>specific</b> 59:13	<b>spun</b> 102:3,22,23	130:8 134:16	<b>stick</b> 109:15
147:3,9 161:6,17	103:9,10,10,12	167:12	<b>stinnett</b> 29:18
181:5	104:3	<b>starts</b> 101:20	<b>stipulated</b> 50:7
<b>spectrum</b> 133:6	<b>squeezed</b> 149:21	<b>state</b> 6:7 36:16	<b>stipulations</b> 4:2
<b>speed</b> 36:19 49:25	<b>ss</b> 19:8 200:2	82:21 111:13	5:1
58:3,9 60:19 61:1	<b>stabilizer</b> 168:15	117:7 127:19	<b>stitched</b> 70:19
62:23 68:8,13	<b>staff</b> 140:13 141:8	140:20 200:2,4	<b>stitches</b> 112:7
69:4 75:12 76:10	<b>stairs</b> 187:25	<b>stated</b> 148:22,24	196:13,15,24
83:7,13,24 104:18	<b>stand</b> 19:14	149:5,18 150:7	<b>stole</b> 37:7 65:9
105:13 125:13	<b>standifer</b> 96:5,6	<b>statement</b> 55:10	<b>stolen</b> 29:7,14
128:1 146:11	<b>standing</b> 19:16	55:20 147:13,17	32:24 33:1 34:8
148:15 154:8	<b>stanford</b> 2:4,5 8:7	<b>statements</b> 150:14	35:3 69:16
155:18 164:7,8,12	10:4 33:21,25	<b>states</b> 1:1 5:7	<b>stop</b> 68:21 103:19
164:24 165:9,13	50:17 51:3,6,9,18	64:17 155:18	104:21 106:12,23
166:1 168:23	51:21 52:11 53:13	179:8	106:24 116:4
172:6 183:10	58:24 59:8 65:12	<b>statewide</b> 177:11	134:23 149:7,8,16
<b>speeds</b> 98:21	66:21 67:14,20	177:14,17 178:18	149:16,20 150:16
99:19	74:13 79:5 109:1	178:21	150:16 167:10
<b>spell</b> 20:6 23:2	111:3 118:9,15	<b>station</b> 69:23 97:1	187:17 192:17
29:19 33:18 40:20	120:10 126:11	97:4,12,20	<b>stoplights</b> 100:18
40:21,23 44:6,16	143:9 144:1,24	<b>status</b> 36:21	100:20
131:6,6	145:25 146:12,23	<b>stay</b> 78:8,21	<b>stopped</b> 34:12
<b>spent</b> 11:17 72:18	147:19 151:22	<b>stayed</b> 12:7 71:8,9	97:11 106:25
<b>spike</b> 70:3,4 104:7	154:19 162:14	71:19 88:24	130:25 131:2
104:10,13 190:15	167:25 168:24	103:13	143:13,14 167:8
190:18 191:2	170:17,21 171:4		167:19,21 187:16



[stopping - tennessee]

Page 29

<b>stopping</b> 97:4,13	<b>summers</b> 193:23	<b>take</b> 8:24 13:16,18	<b>tattoos</b> 93:9
<b>straight</b> 181:9	193:24	22:14 27:18 48:9	117:20,21 118:19
182:1	<b>summit</b> 81:11,13	49:14,14 56:12	119:2,6,8 120:14
<b>straightaway</b>	81:24	66:13,19 68:4	120:15 152:3
81:15	<b>super</b> 137:5,5	69:3,5 77:19 78:1	<b>tax</b> 23:15,19,25
<b>street</b> 2:5,10 3:5	<b>supervision</b> 200:8	80:10 84:5,18	24:25
58:23 70:7 84:7	<b>support</b> 25:12	86:13 122:6	<b>team</b> 131:19,20
144:8 146:8	50:12 51:17	135:18 136:12,20	135:15
157:15	<b>supposed</b> 163:15	139:8 170:1 177:4	<b>technically</b> 52:8
<b>strength</b> 189:8	163:16 175:8	197:6	<b>teems</b> 16:21,23
<b>strike</b> 79:3 161:4	180:1,4,10,12,13	<b>taken</b> 1:17 4:19	<b>teenager</b> 13:16
161:15	180:19	5:9 61:20 138:25	<b>tell</b> 6:14 10:8 14:3
<b>striking</b> 149:7	<b>sure</b> 7:25 14:17	190:10 192:1	29:5 32:23 39:6
<b>strips</b> 70:3,4 104:7	15:20 18:17 23:24	200:6,10	39:25 40:12 43:15
104:11,13 190:16	26:18 41:17 52:15	<b>takes</b> 81:19	46:9,22 50:15
190:18 191:2	58:14 65:8 66:19	<b>talk</b> 17:13 24:25	54:9,12 55:24,24
<b>struck</b> 79:8,9	84:9 97:7 108:1,2	33:13 66:7 67:25	56:2 63:12 68:25
<b>stuck</b> 11:9 107:16	112:10 138:18	67:25 83:23	92:16 99:18 102:1
115:10	195:19,19	120:10 139:3	102:2 104:20
<b>study</b> 131:1	<b>suspect</b> 102:6	161:9 162:2	116:15 119:8,10
<b>stuff</b> 8:3 10:16	<b>suspect's</b> 102:10	<b>talked</b> 68:14 77:16	119:10 120:3,4
22:25 23:1 24:10	<b>suspects</b> 157:3	120:14	121:15 122:19
55:8 130:19	<b>suspended</b> 82:16	<b>talking</b> 25:1 43:19	126:18 129:24
135:21 139:24	82:18,22	79:1 81:5,16 82:7	130:2 134:10,17
142:24 167:13	<b>sustain</b> 154:12	102:14 105:23	138:5,9,16 144:21
<b>submission</b> 130:17	<b>swear</b> 8:16	147:7 160:7 166:1	144:21 145:22,23
<b>submitted</b> 8:23	<b>swell</b> 187:22	185:9	146:21 149:23
<b>subsequent</b> 51:11	<b>swells</b> 159:20	<b>tall</b> 111:17	150:4,11,19
<b>substantial</b> 200:14	<b>swole</b> 139:9	<b>tallan</b> 2:21	160:19 163:8
<b>suburban</b> 35:10	<b>swollen</b> 116:18	<b>target</b> 87:15,18	173:23 185:16
<b>successful</b> 114:11	138:23 160:6	<b>tase</b> 114:11,15	186:4 187:22
<b>suddenly</b> 99:22	<b>sworn</b> 5:3 6:2	<b>tased</b> 114:2,2,4,9	<b>telling</b> 34:4 52:24
<b>sued</b> 184:14	200:5	114:10	55:20 104:4
<b>suffer</b> 169:20	<b>system</b> 56:9 128:9	<b>tasked</b> 177:24	172:21
191:13,23	<b>t</b>	<b>tattoo</b> 69:17,18,18	<b>ten</b> 54:11 132:18
<b>suffered</b> 141:15	<b>t</b> 4:1,1,1 16:23	69:19 79:1 88:2,4	184:2
168:21 191:18	20:9 29:20,20,20	89:2,4 91:25 92:9	<b>tendency</b> 200:14
<b>suite</b> 2:16,21 3:5	44:9,9,23 92:7	92:19,21 93:7,11	<b>tennessee</b> 2:6,11
<b>summary</b> 36:9	<b>table</b> 22:25 23:6	93:15 119:11,13	2:22 15:9 17:6,6
148:3	<b>tag</b> 96:12,13,16	119:17,23 120:24	36:18 127:9,11,12
		121:3 151:10	

[term - traveled]

Page 30

<b>term</b> 47:6	35:16 39:6 48:21	73:3,23 75:16	84:6 89:5 95:1
<b>terry</b> 21:1	49:20 52:13 56:24	76:9 78:16 80:11	110:7 117:2,3,10
<b>test</b> 74:3	61:1 65:3 69:2	87:16,21,25 88:8	137:1 138:12,21
<b>testicle</b> 116:18	73:6 92:8 97:13	89:7 95:24,24	141:10 148:19
138:18,19 139:9	101:17,20 122:5	96:7 102:7,10	149:10,13 150:3
141:15 150:12	132:20 157:11	105:13 108:12	168:21 169:3,6,19
159:16 160:14	177:3 181:14	113:13 121:7	170:3 175:9,10,10
<b>testicles</b> 149:21,22	183:19 184:2	128:2 132:11	185:20,21 186:8
150:18 158:25	197:22	134:17 135:10	186:12,17 189:1,2
<b>testified</b> 27:3 72:3	<b>thinks</b> 189:9	139:9 144:12	<b>toms</b> 131:11,12,16
123:21	<b>third</b> 39:23 94:12	148:21,23,25	<b>tonya</b> 42:17,18,22
<b>testimony</b> 27:6	<b>thorough</b> 184:8	149:19,19 156:21	<b>tools</b> 81:4,4
52:6 62:23 63:25	<b>thought</b> 65:17	159:23 162:20	<b>top</b> 131:18,20
91:22 94:25 100:6	83:19 167:13	164:23 167:12	135:15
110:18 144:17	168:18	171:22 172:23	<b>torn</b> 162:8
191:16 200:5,6,8	<b>thousand</b> 59:2	176:3 185:3 187:5	<b>totally</b> 65:17
<b>tests</b> 133:19	72:17 136:8	189:19 191:2,8,17	<b>touch</b> 112:6 117:5
<b>text</b> 91:25 92:16	<b>thousands</b> 136:7	<b>times</b> 94:20	117:12
92:18	<b>three</b> 76:11 95:2	104:13 113:10	<b>town</b> 131:15
<b>texted</b> 92:2	103:21 104:1	119:2 129:14	132:12 135:21
<b>thank</b> 129:2	121:20 124:15	142:1 148:14	164:21
<b>thanks</b> 136:16	125:19 126:13	159:25 164:13	<b>towns</b> 135:23
151:9	129:5,12,13 139:6	167:1 178:8,11,12	<b>tracks</b> 98:4 101:9
<b>theft</b> 29:2 32:21	139:8,13 140:9	181:21 190:20	<b>traffic</b> 99:15 100:1
34:6 35:4 37:1	146:17,18 156:18	191:14,17	100:3,16,25 101:2
<b>them's</b> 186:12	177:18,18 178:1,3	<b>tina</b> 40:4,5,13	<b>trafficking</b> 49:23
<b>thereabouts</b> 63:1	178:4 183:9	41:11 42:10	55:14
<b>thing</b> 13:17 67:14	184:13,24 190:21	<b>tire</b> 70:6	<b>tragedy</b> 79:2,3,7,8
70:6,21 75:1,2	<b>threw</b> 38:11	<b>title</b> 178:20 183:18	79:9
82:20 111:24	<b>thrill</b> 74:18	183:21,21	<b>train</b> 131:25
112:2 154:2	<b>throw</b> 24:11 37:23	<b>today</b> 7:1 9:9 52:6	<b>trained</b> 130:23
157:11 167:12	108:14 109:2	53:9 141:14	<b>training</b> 10:21
<b>things</b> 117:22	115:11 116:1	144:17 152:14	95:14 133:18
118:17 130:22	<b>thrown</b> 52:22	159:16,19 160:15	<b>traits</b> 118:13
133:20 135:5	108:24 113:12	169:22 184:21	<b>transcript</b> 53:6,8
142:8,23,23 150:7	<b>tickets</b> 136:9	197:23	198:22 200:8,15
155:6 171:7	<b>tidwell</b> 42:17,18	<b>todd</b> 1:9 2:18 4:23	200:15,17
172:17 178:15,17	<b>time</b> 16:7 20:21	189:23,23,25	<b>transition</b> 155:20
196:4	23:9,18 33:16	<b>toed</b> 113:9	<b>trash</b> 34:22
<b>think</b> 6:25 11:15	56:13,15 59:24	<b>told</b> 37:8 43:14,17	<b>traveled</b> 135:23
20:7 21:4 24:16	63:16 64:9 67:17	55:22 70:17 77:24	

<b>treat</b> 168:14	<b>two</b> 6:25 12:7 19:8	50:23 55:7 62:5	62:17 64:24 84:17
<b>treatment</b> 116:19	22:13 27:3 35:17	65:9 67:7 108:2	84:17 86:22 89:13
117:11 138:6	40:23 44:2 55:23	183:12	99:18,20,20 102:6
139:3,11,12,17	57:23 58:7,15	<b>understanding</b>	102:8,9,10 103:21
140:2,3 141:22	61:17 64:18 72:21	55:4 179:23 200:9	104:20,24,24
142:2 167:19	75:8,10,11 76:11	<b>unemployed</b> 15:18	105:9 106:23,24
188:17,18	79:1 86:22 87:4	23:10	106:25 107:1,7,18
<b>treatments</b> 139:20	87:22 89:13 94:7	<b>uniform</b> 194:13	107:19 109:16
<b>trial</b> 61:23	107:23 129:16	<b>uniforms</b> 194:6	157:22 191:6
<b>triangle</b> 105:4	140:4,8,9,19	<b>union</b> 15:23,25	<b>verbal</b> 109:11
<b>tried</b> 19:24 99:16	146:13 154:25	16:1	<b>verbally</b> 7:21
102:23 103:20	162:18,19,21	<b>united</b> 1:1 5:7	<b>verify</b> 192:13
137:7	164:24 190:12,21	179:8	<b>versus</b> 124:15
<b>trip</b> 140:5	197:3	<b>unpack</b> 70:20	129:12 130:14,14
<b>trooper</b> 111:13	<b>type</b> 7:15 62:1	<b>unrestrained</b>	<b>victim</b> 172:20
<b>trophy</b> 136:16	194:13	108:6 155:19	<b>video</b> 108:20,21,23
<b>trouble</b> 175:17	<b>typed</b> 9:19 67:9	159:8	145:7,12 150:5
180:23,24	<b>typewritten</b> 200:7	<b>upper</b> 142:13	185:5
<b>truck</b> 30:11,12	<b>typically</b> 56:8	<b>ups</b> 182:8	<b>videos</b> 145:3,6,8
35:6,7,9 61:3 79:2	73:16	<b>urologist</b> 140:13	<b>vincent</b> 44:24
<b>true</b> 9:7,23 52:4	<b>u</b>	140:14,24 141:8	<b>violate</b> 177:16,19
52:10 67:10 150:9	<b>u</b> 23:3	<b>usage</b> 75:4	180:18
150:10 151:23	<b>uh</b> 7:11,13,19,19	<b>use</b> 73:12,12,22	<b>violated</b> 177:20
200:8	27:23 64:23,25	74:11 75:2 78:16	<b>violations</b> 178:12
<b>trunk</b> 149:22	89:11 105:11,15	82:5 84:8 95:18	<b>violation</b> 177:12,14
<b>trust</b> 163:15,17	123:12 151:6	137:7,8 161:6	177:17 178:4,21
164:6	169:18 171:23	<b>user</b> 77:1 79:11	<b>violence</b> 39:22
<b>truth</b> 200:6	172:9 173:11	<b>uses</b> 157:15	45:24
<b>truthfulness</b> 8:16	174:7,9,21 176:13	<b>usually</b> 25:18 36:1	<b>virginia</b> 127:10
<b>try</b> 99:23 115:11	176:18 178:7	<b>v</b>	<b>visit</b> 141:2 180:17
172:11,14,15	182:2,5	<b>v</b> 19:5,9,10	<b>visited</b> 69:11
<b>trying</b> 97:12 99:25	<b>ultimately</b> 47:23	<b>valid</b> 82:13 85:20	<b>voice</b> 107:15
101:17 102:22	48:24	96:10	112:11
104:3 142:7,7	<b>ultrasound</b> 141:5	<b>validated</b> 151:21	<b>voltage</b> 114:6
173:24 189:8,10	141:5 158:1,3	<b>validates</b> 151:16	<b>vos</b> 16:4 19:3,4,18
<b>turn</b> 99:16,24	<b>un</b> 42:7	<b>validation</b> 4:21	20:18 21:9 22:8,9
101:8 102:7,11,18	<b>unconscious</b> 198:9	<b>value</b> 93:15	22:12,18 24:13
103:20 171:7	<b>underpass</b> 103:15	<b>vehicle</b> 29:6,14	47:6,13
196:9	<b>understand</b> 7:9	32:24 33:1 34:8	<b>vs</b> 1:7
<b>turned</b> 100:9,23	17:14 18:14,17	35:4 46:10,11	
102:13	36:22 40:7 42:24	52:20,22 58:2	

[w - wreck]

Page 32

<b>w</b>	<b>watkins</b> 40:4,5	109:20 122:13	173:3 180:3 200:6
<b>w</b> 2:21 23:15	41:12 42:10	131:15 132:8,11	<b>witnessed</b> 40:2
<b>wage</b> 24:19	<b>way</b> 30:9 36:1	132:12,16 140:18	166:15
<b>wages</b> 23:15	42:4 54:19 72:6	141:19 142:23	<b>woke</b> 112:1,4
<b>wait</b> 78:10 137:22	75:20 79:20 81:11	143:18 156:20,20	113:21 116:7,13
<b>waiting</b> 6:25	86:17 89:5 102:4	160:11 181:9,13	116:24 117:15
<b>waived</b> 61:25	103:13 115:15,17	186:21,22	137:5 145:17,18
<b>wake</b> 77:8 147:8	116:6 130:17	<b>wesley</b> 44:24 45:6	<b>wolf</b> 172:7
<b>waking</b> 70:16	138:2,2 143:20	<b>west</b> 2:5	<b>woman</b> 112:14
111:25	177:16	<b>wfa</b> 195:9	166:13
<b>wal</b> 15:6,13	<b>wayne</b> 1:4 4:9,11	<b>whip</b> 69:24 95:23	<b>woman's</b> 82:9
<b>walked</b> 184:21	4:13,15,22 6:8	<b>whipped</b> 46:23	112:11
193:5,9	129:21 142:9	47:2,19 97:20	<b>women</b> 164:20
<b>walker</b> 28:17	<b>we've</b> 36:8 59:9,10	<b>white</b> 98:7 140:21	<b>wondered</b> 63:22
<b>wall</b> 105:25	63:18 117:8 143:3	140:21 183:13	<b>wood</b> 2:10
<b>walter</b> 86:24	143:5 197:22	194:17	<b>words</b> 18:14 69:1
<b>want</b> 7:9 11:16	<b>weapons</b> 124:19	<b>whitfield</b> 83:2,6,8	176:7
27:21 33:25 41:14	<b>wearing</b> 108:5	83:12,13,21,24	<b>work</b> 15:5 19:21
50:21,23 63:12	<b>weed</b> 63:22,25	165:1,12 166:2	19:24 21:9,22
65:21 67:14,20	75:17,20,22,25	<b>williams</b> 2:20	22:2 25:17 26:3
68:25 78:20 83:23	76:14 89:5 167:12	<b>win</b> 135:1	140:20 189:12
97:18 122:19	<b>week</b> 25:23,24	<b>window</b> 70:11	<b>worked</b> 11:5 16:5
155:5 180:16,17	60:11,13 73:21	108:9,14,16,21,25	19:25 21:1,2
180:18 189:18	74:8,16 75:4,7	109:3,15,22 110:4	22:12 26:5,24
190:6 197:5	<b>weekly</b> 75:5,6,14	110:8 115:3,4,12	27:2,6 128:19
<b>wanted</b> 98:16	<b>weeks</b> 60:13 76:11	115:14,17 116:1,3	131:15,17 132:12
137:20 188:25	76:11 83:8	116:5 155:20,24	169:25
197:9	<b>welding</b> 20:24	156:2,3,6,7,10,12	<b>worker</b> 15:22
<b>wanting</b> 13:17	21:3	156:14 187:12	19:22
<b>ward</b> 46:15,16	<b>went</b> 9:18 19:25	<b>windshield</b> 114:20	<b>working</b> 19:1,20
<b>warrant</b> 77:12,17	20:3 21:12 28:22	155:19	20:18,24 26:14
83:20 165:19,21	52:23 58:12 67:8	<b>wings</b> 135:9	47:6,13 131:14
<b>warranted</b> 112:2	68:8 69:11 70:3	<b>wisconsin</b> 16:4	176:2
<b>warrants</b> 83:2,16	72:10 78:25 79:1	19:13	<b>worse</b> 74:11 175:5
165:12	80:13,14 84:16,20	<b>withdrew</b> 50:19	<b>worth</b> 93:13
<b>watch</b> 121:17,18	85:23,24 87:1,2	<b>witness</b> 41:19	<b>wound</b> 196:20
121:25 122:4	88:25 91:7,8	51:22 58:25 65:13	<b>wounds</b> 195:21
128:12 136:9	94:21 97:23 98:3	72:25 74:14 109:2	196:4
138:19,19	98:4,4 101:15	118:10,16 126:12	<b>wreck</b> 30:23
<b>watched</b> 11:5	102:4 104:10	144:2,25 146:13	105:17 114:22,24
37:22	105:19 107:19	151:23 170:24	154:5,6 166:11

<b>wrecked</b> 105:13 105:18 106:22 154:11	90:6,8,10,16,19,21 91:2 94:11,17 97:10,25 100:5 101:13 102:16,25 103:4,9 105:1,17 110:9,14 112:12 112:14,17 113:5 113:14 115:19,21 116:5 117:16 118:1 120:18 124:10,20 129:10 133:22 137:12 138:23 141:3,5 142:22 144:6 145:13 149:2,4 152:22 156:19 157:1 158:6,18 159:8 160:6 161:14 162:9,11 163:3,23 165:9,11 166:8,12,23 167:7 167:16 171:15 172:25 175:3 176:5 181:17,24 182:12 183:8,21 186:11 187:6 194:7	130:6,10 133:14 133:16,18 162:18 162:19,22 169:19 188:14 193:24
<b>wrestling</b> 130:5,5	<b>yelling</b> 150:15 168:11	
<b>wring</b> 122:6	<b>young</b> 38:23 140:21,23 166:11	
<b>wrist</b> 118:24	<b>younger</b> 74:15	
<b>write</b> 9:11 18:12 151:11 152:4		
<b>writes</b> 99:17 102:2		
<b>written</b> 18:14 148:2	<b>z</b>	
<b>wrong</b> 68:2 143:19 143:19,21 163:18 163:19 164:23,23	<b>zero</b> 40:14 129:4 <b>ziploc</b> 64:11,12,13 <b>zyprexa</b> 169:24 188:25	
<b>wrote</b> 150:3 151:9		
<b>wynne</b> 20:13		
<b>x</b>		
<b>x</b> 41:1,2 142:4,10 142:11,15 153:22 153:24 160:25		
<b>xanax</b> 76:6,7,10 76:14		
<b>y</b>		
<b>y</b> 40:24 44:7 166:24		
<b>y'all</b> 78:22		
<b>yankee</b> 14:8	<b>year</b> 10:22 12:3 17:25 18:2 20:15 20:21 25:9 36:24 41:18,18 60:14 75:8 85:11 126:4 129:16 132:18 167:2	
<b>yard</b> 103:25	<b>years</b> 6:12 10:17 12:14,16 15:16,20 22:13 40:9 41:8 41:13,13 42:20 43:4,5 44:21 54:11,14,23 55:6 75:8,10,11 77:15	
<b>ye</b> 51:3		
<b>yeah</b> 8:3,5 17:7 19:24 22:15 24:18 25:7 27:5,8 42:11 42:21 43:14 49:18 52:21 54:21 57:19 63:7 64:5,13 65:20 72:9 73:8 75:13,15,17 76:18 76:21 77:18,24 79:23 80:2 82:12 84:14 88:12 90:4		

Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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